

DR. STAHLER: If the High Tribunal agree, I wish to call the former Reich Marshal, Defendant Hermann Goering, to the witness stand.

*[The Defendant Goering took the stand.]*

THE PRESIDENT: Will you give your name please?

HERMANN WILHELM Goering (Defendant): Hermann Goering.

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THE PRESIDENT: Will you repeat this oath after me: I swear by God -- the Almighty and Omniscient -- that I will speak the pure truth -- and will withhold and add nothing.

*[The witness repeated the oath in German.]*

THE PRESIDENT: You may sit down if you wish.

DR. STAHLER: When were you born and where?

Goering: I was born on 12 January 1893 in Rosenheim, Bavaria.

DR. STAHLER: Give the Tribunal a short account of your life up to the outbreak of the first World War, but briefly, please.

Goering: Normal education, first a tutor at home; then cadet corps, then an active officer. A few points which are significant with relation to my later development: The position of my father as first Governor of Southwest Africa; his connections at that time, especially with two British statesmen, Cecil Rhodes and the elder Chamberlain. Then the strong attachment of my father to Bismarck; the experiences of my youth, half of which was spent in Austria to which I already felt a close attachment, as to a kindred people. At the beginning of the first World War I was a lieutenant in an infantry regiment.

DR. STAHLER: With what rank did you participate in the first World War?

Goering: As I just mentioned, at first as a lieutenant in an infantry regiment in the so-called border battles. From October 1914 on I was an aircraft observer. In June 1915 I became a pilot, at first with a reconnaissance plane, then for a short time with a bomber and in the autumn of 1915 I became a fighter pilot. I was seriously wounded in aerial combat. After recovery I became the leader of a fighter squadron, and after Richthofen was killed I became the commander of the then well-known "Richthofen Squadron."

DR. STAHLER: What war decorations did you receive?

Goering: First the Iron Cross Second Class, then Iron Cross First Class, then the Zahring Lion with Swords, the Karl Friedrich Order, the Hohenzollern with Swords Third Class, and finally the Order Pour le Merite, which was the highest decoration possible.

DR. STAHLER: Tell the Tribunal when and under what circumstances you came to know Hitler.

Goering: I should like to mention one basic fact in advance. After the collapse in the first World War I had to demobilize my squadron. I rejected the invitation to enter the Reichswehr because from the very beginning I was opposed in every way to the republic which had come to power through the revolution; I could not bring it into harmony with my convictions. Shortly afterwards I went

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abroad to find a position there. But after a few years I longed to get back to my own country. First, I spent quite some time at a hunting lodge in the mountains and studied there. In some way I wanted to participate in the fate of my country. Since I could not and would not do that as an officer for the reasons mentioned above, I had first of all to build up the necessary foundation, and I attended the University of Munich in order to study history and political science. I settled down in the neighborhood of Munich and bought a house there for my wife. Then one day, on a Sunday in November or October of 1922, the demand having been made again by the Entente for the extradition of our military leaders, at a protest demonstration in Munich -- I went to this protest demonstration as a spectator, without having any connection with it. Various speakers from parties and organizations spoke there. At the end Hitler, too, was called for. I had heard his name once before briefly and wanted to hear what he had to say. He declined to speak and it was pure coincidence that I stood nearby and heard the reasons for his refusal. He did not want to disturb the unanimity of the demonstration; he could not see himself speaking, as he put it, to these tame, bourgeois pirates. He considered it senseless to launch protests with no weight behind them. This made a deep impression on me; I was of the same opinion.

I inquired and found that on the following Monday evening I could hear Hitler speak, as he held a meeting every Monday evening. I went there, and there Hitler spoke in connection with that demonstration, about Versailles, the treaty of Versailles, and the repudiation of Versailles.

He said that such empty protests as that of Sunday had no sense at all -- one would just pass on from it to the agenda -- that a protest is successful only if backed by power to give it weight. Until Germany had become strong, this kind of thing was of no purpose.

This conviction was spoken word for word as if from my own soul. On one of the following days I went to the office of the NSDAP. At that time I knew nothing of the program of the NSDAP, and nothing further than that it was a small party. I had also investigated other parties. When the National Assembly was elected, with a then completely unpolitical attitude I had even voted democratic. Then, when I saw whom I had elected, I avoided politics for some time. Now, finally I saw a man here who had a clear and definite aim. I just wanted to speak to him at first to see, if I could assist him in any way. He received me at once and after I had introduced myself he said it was an extraordinary turn of fate that we should meet. We spoke at once about the things which were close to our hearts -- the defeat of the fatherland, and that one could not let it rest with that.

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The chief theme of this conversation was again Versailles. I told him that I myself to the fullest extent, and all I was, and all I possessed, were completely at his disposal for this, in my opinion, most essential and decisive matter: the fight against the Treaty of Versailles.

The second point which impressed me very strongly at the time and which I felt very deeply and really considered to be a basic condition, was the fact that he explained to me at length that it was not possible under the conditions then prevailing to bring about, in co-operation with only that element which at that time considered itself national -- whether it be the political so-called nationalist parties or those which still called themselves national, or the then existing clubs, fighter organizations, the Free Corps, et cetera -- with these people alone it was not possible to bring about a reconstruction with the aim of creating a strong national will among the German people, as long as the masses of German labor opposed this idea. One could only rebuild Germany again if one could enlist the masses of German labor. This could be achieved only if the will to become free from the unbearable shackles of the Treaty of Versailles were really felt by the broad masses of the people, and that would be possible only by combining the national conception with a social goal.

He gave me on that occasion for the first time a very wonderful and profound explanation of the concept of National Socialism; the unity of the two concepts of nationalism on the one hand and socialism on the other, which should prove themselves the absolute supporters of nationalism as well as of socialism -- the nationalism, if I may say so, of the bourgeois world and the socialism of the Marxist world. We must clarify these concepts again and through this union of the two ideas create a new vehicle for these new thoughts.

Then we proceeded to the practical side, in regard to which he asked me above all to support him in one point. Within the Party, as small as it was, he had made a special selection of these people who were convinced followers, and who were ready at any moment to devote themselves completely and unreservedly to the dissemination of our idea.

He said that I knew myself how strong Marxism and communism were everywhere at the time, and that actually he had been able to make himself heard at meetings only after he had opposed one physical force disturbing the meeting with another physical force protecting the meeting; for this purpose he had created the SA. The leaders at that time were too young, and he had long been on the lookout for a leader who had distinguished himself in some way in the last war, which was only a few years ago, so that there would be the necessary authority. He had always tried to find a "Pour le Merite" aviator or a "Pour le Merite" submarine man for

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this purpose, and now it seemed to him especially fortunate that I in particular, the last commander of the "Richthofen Squadron," should place myself at his disposal.

I told him that in itself it would not be very pleasant for me to have a leading part from the very beginning, since it might appear that I had come merely because of this position. We finally reached an

agreement that for 1 to 2 months I was to remain officially in the background and take over leadership only after that, but actually I was to make my influence felt immediately. I agreed to this, and in that way I came together with Adolf Hitler.

DR. STAHLER: And when was that?

Goering: The end of October or the beginning of November 1922.

DR. STAHLER: The end of October?

Goering: Either the end of October or the beginning of November 1922.

DR. STAHLER: And then you officially entered the Party?

Goering: Yes, that was the same date. Just a few days after that I signed up.

DR. STAHLER: What tasks did Hitler then give you, that is, say, until November 1923?

Goering: The tasks arose from my position, which at that time had the title "Commander of the SA." At first it was important to weld the SA into a stable organization, to discipline it, and to make of it a completely reliable unit which had to carry out the orders which I or Adolf Hitler should give it. Up to that point it had been just a club which had been very active, but which still lacked the necessary construction and discipline.

I strove from the beginning to bring into the SA those members of the Party who were young and idealistic enough to devote their free time and their entire energies to it. For at that time things were very difficult for these good men. We were very small in number and our opponents were far more numerous. Even in those days these men were exposed to very considerable annoyances and had to suffer all sorts of things.

In the second place I tried to find recruits among workmen, for I knew that among workmen particularly I should enroll many members for the SA.

At the same time we had naturally to see to it that the meetings of the Party, which generally were limited at that time to Munich, Upper Bavaria and Franconia, could actually be carried through in a satisfactory manner, and disturbances prevented. In most cases we succeeded. But sometimes we had a strong party of our opponents present. One side or the other still had weapons from the war and

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sometimes critical situations arose, and in some cases we had to send the SA as reinforcements to other localities.

In the course of the year 1923 the contrast between Bavaria and the Reich became even stronger. One could see that the Bavarian Government of that time wanted to go a different way to that of the Reich Government. The Reich Government was influenced strongly by Marxism, but the Bavarian Government was free from that, it was bourgeois.

Then suddenly the Bavarian Government was completely transformed when a governor general -- I believe he was called that -- or something of the sort, was appointed for Bavaria. It was Von Kahr, to whom the Bavarian Government was subordinate and to whom the Bavarian Government delegated all authority. Shortly after that the Reichswehr conflict developed. The 7th Reichswehr Division, which was stationed in Bavaria, was released from its oath to the Reich, which it had sworn to the Reich Constitution -- I do not know its name any longer -- that is to Von Kahr. This led to the conflict of the Generals Von Seeckt and Lossow. The same thing happened with the Bavarian police.

The Bavarian Government at the same time curried favor with the so-called national associations which were in part organized along military or semi-military lines and also possessed weapons. The whole thing was directed against Berlin and, as we expressed it, against the "November Republic." We could agree up to that point.

On the Sunday, before the 9th of November, there was a large parade in Munich. The whole Bavarian Government was there. The Reichswehr, the police and the fatherland associations, and we too, marched past. Suddenly, on that occasion, we saw that the figure in the foreground was no longer Herr Von Kahr but the Bavarian Crown Prince Rupprecht. We were very much taken aback by that. The suspicion arose among us that Bavaria wished to follow a course which would possibly lead to a considerable disintegration, and Bavaria might secede from the body of the Reich. But nothing was farther from our intentions than to permit that. We wanted a strong Reich, a unified Reich; and we wanted to have it cleansed of certain parties and authorities which were now ruling it.

We had become distrustful of the so-called "March on Berlin." When this became a certainty and Herr Von Kahr had called the well-known meeting in the Burgerbraukeller, it was high time to frustrate such plans and to guide the whole undertaking in the direction of the "Greater Germany" idea. Thus the events of 9 November 1923 materialized in very short time. But as far as I personally am concerned, I was -- and I never made a secret of this -- ready from the beginning to take part in every revolution against

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the so-called November Republic, no matter where and with whom it originated, unless it originated with the Left, and for these tasks I had always offered my services.

Then I was severely wounded at the Feldhermehalle -- the events are well known -- and with this incident I close this first chapter.

DR. STAHLER: When, after that time, did you come together with Hitler again?

Goering: At first I was in a hospital in Austria. There was a trial before the Bavarian People's Court regarding the 9th of November.

DR. STAHLER: Who was indicted?

Goering: Hitler was indicted first of all, and naturally all those who had been present and were apprehended. I had been in Upper Bavaria for several days in a seriously wounded state and was then brought to the border, was arrested there, and then the Bavarian police brought me back to a different place. I asked Hitler at that time, whether I should appear at the trial. He begged me urgently not to do that, and that was a good thing. In this way the proceedings could not be held behind closed doors, because I had made the statement that if that was done I, for my part, would make an appropriate public statement with regard to the trial.

Then, after my recuperation, I spent about a year in Italy; then elsewhere abroad. In the year 1926 or 1927 there was a general amnesty for all the people involved in the different illegal -- if I should call them that -- incidents which had occurred up to then, not only for us but also for the Leftists and the peasants, and I could return to Germany.

I met Hitler again for the first time in 1927 at a rather brief conference in Berlin, where he was present. I was not active in the Party then, rather I wanted first to provide myself with an independent position once more. Then for months I was not in touch with Hitler again. Shortly before the May elections of the Reichstag in 1928 Hitler called me and told me he wanted to put me up as one of the first of the Reichstag candidates for the National Socialist Party and asked me whether I were willing and I said "yes," and also whether my activity in the Party to a still greater extent ...

DR. STAHLER: One question. Had you meanwhile joined the SA?

Goering: No; at that time I had nothing more to do with the SA. In the meantime there were new appointments in the SA and the new leader of the SA, Von Pfeffer, naturally wanted to keep his position and would not have liked to see me in close touch with the SA.

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DR. STAHLER: Then after 1923 you had no office or position in the SA?

Goering: After 1923 my active position in the SA ceased. Not until after the seizure of power, at a later date, when the so-called honorary offices were created, did I receive, as an honorary post, the highest rank in the SA. But to come back, in 1928 I was elected to the Reichstag and from that time on I toured the country as a speaker for the Party.

The SA, I do not recall in what year, had been reestablished and was now no longer limited to Bavaria, but had been extended to the whole Reich.

DR. STAHLER: Was it prohibited after 1923?

Goering: After 1928, it was prohibited for the time being.

DR. STAHLER: When was this prohibition rescinded?

Goering: I cannot say exactly, at any rate at a time when I had not yet returned to Germany. But in any case it had spread over all Germany and was now urgently necessary. The parties at that time, the larger

ones, all had their so-called fighting units. Especially active, I remember, was the Red Front, a collection of the fighting units of the Communists, our greatest opponents, with whom we had repeated clashes and who very often tried to break up our meetings. In addition, there was the Reichsbanner, the organization of the Social Democrats, the Democratic Party. Then there was the Stahlhelm; that was a nationalist organization of the Right. And then there was our SA, which is to be mentioned in the same connection.

I should like to emphasize that at that time the SA often had to suffer heavily. Most of the SA men came from the broad masses; they were minor employees, workmen, men who took part only for idealistic reasons and who had to give their services nights and evenings without receiving anything in payment, and who did so only out of their real faith in the fatherland. They were often most severely wounded and many of them were shot in the clashes. They were persecuted by the government. They could not be officials; an official could not join the SA. They had to endure terrific pressure. I should like to emphasize that I had the highest respect and affection for these men, these SA men, who were not determined as has been pictured here, simply to do something cruel, but who were rather men who really exposed themselves voluntarily to the most difficult trials and vexations because of their idealism and their aims, and renounced many things in order to realize their ideals.

DR. STAHLER: What was your position in the Party during the period from 1928 until the seizure of power?

Goering: I had no office in the Party. I was never a political leader in the Party -- that is perhaps strange -- either in the Reich

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Party Directorate or elsewhere. I was first of all, as I said, a member of the Reichstag and thereby a member of the Reichstag faction of the Party. At the same time I was the Party speaker, that is, I travelled from city to city and tried to do whatever I could to extend the Party, to strengthen it, to recruit and convince new members, and especially to win over to our side Communist and Marxist adherents in order to create a broad base among the people and not to have Rightist circles only, which were nationalist of themselves.

From the middle of 1932 on, after we had weathered countless elections and for all of these elections had had to participate in the campaigns by holding speeches, for example, often three in one evening, often the whole night long; I, as a member of the Party, or better said, because our Party had the strongest representation in the Reichstag, was chosen President of the Reichstag and thereby took over a generally political task.

Shortly before, at the end of 1931, when I saw that the Party had grown to an extraordinary extent and was gaining, the Fuehrer said to me that he would very much like to have a direct representative who was independent of a Party office and who could carry out political negotiations. This person was not to

be tied down to any particular Party office. He asked me whether I would take over this function, especially as I was living in the capital of the Reich anyway.

I took over this commission -- it was not an office, but rather a commission of a general nature. In a few sentences he gave me the liberty to negotiate with all parties from the Communists to the extreme Rightists, in order, let us say, to undertake specific joint action in the Reichstag, or other suitable political steps. Naturally also I was given in this connection, the task of effecting the dissemination and the penetration of our ideals in all circles. To these circles belonged, as has already been mentioned, the industrial and intellectual groups. Since I had connections with and access to all these circles, it was quite natural that the Fuehrer considered me specially suited for this task, as he could depend upon me absolutely in this respect and knew that I would use all my powers to advance our ideas. When I became President of the Reichstag my task in this capacity was greatly eased, for now I was, so to speak, legally authorized and even obliged to participate in political events. If, for instance, a government resigned in the Reichstag or fell through a vote of no confidence, it was my duty as President of the Reichstag, to suggest to the Reich President, after having negotiated with the parties, what the possibilities were in my opinion for a new coalition government. Thus the Reich President was always bound to receive me in this capacity with regard to these matters. So I

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was able to create a rather close connection between the Reich President and myself. But I should like to emphasize that this connection had already existed before; it was a matter of course that Field Marshal Von Hindenburg, if I requested it, would always receive me, because he had known me in the first World War.

DR. STAHLER: What part did you play in the appointment of Hitler as Reich Chancellor?

Goering: I should just like to explain first that when I said that I held no office in the Party, no political office, my position had nevertheless naturally become stronger and stronger, especially since the end of 1931, from which time on I worked more and more closely with the Fuehrer and was considered his special exponent but only on the basis of normal and natural authority which increased greatly after the seizure of power.

As to my part in the appointment of Hitler: If I am to explain this to the Tribunal I must first describe the situation briefly. The balance among the parliamentary parties had been disturbed as early as the end of 1931 or the beginning of 1932. Things were going badly in Germany and no proper enduring parliamentary majority could actually be procured, and already the Enabling Act then in force had come into play to the exclusion, in part, of the Constitution. I call to mind the Bruning cabinet which had to work to a large extent with the Enabling Act and which at the time was also greatly concerned with Article 48 of the Reich Constitution. Then there followed the Cabinet of Von Papen, which also could not put itself on a parliamentary basis, on a more lasting or firmer basis. Herr Von Papen at that time tried to make that possible and, in order to get a parliamentary basis, he asked the National Socialists, the strongest party at that time, to establish such a basis together with the other parties. There was some talk

-- Von Papen's name had been given to the President as a nominee for Reich Chancellor -- that Hitler should become the Vice Chancellor in this Cabinet. I remember that I told Herr Von Papen at that time that Hitler could become any number of things, but never Vice. If he were to be made anything, he would naturally have to be in the highest position and it would be completely unbearable and unthinkable to place our Fuehrer in any sort of second position. We would then have had to play the role of governing, but possibly not all according to our lights, and Hitler as a representative of the strongest party would have had to be responsible for these things. This we declined categorically. I do not emphasize that because Herr Von Papen is in the dock with me. He knows that we always respected him personally, but I told him then, after this gesture had come to nought, that we would not only not support him, but would also oppose his Cabinet in the Reichstag to the utmost, just as we would

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consistently fight every succeeding cabinet which did not give us a leading influence in the Chancellery. There came then -- I do not remember exactly for how many months Herr Von Papen held the reins -- the well-known clash between him and me, he as Reich Chancellor, I as the President of the Reichstag, in which it was my intention to bring about the fall of his government, and I knew there was to be a motion of "no confidence" by the Communists, in which practically everybody would participate. It was necessary for this vote of "no confidence" to be expressed under all circumstances in order to show the Reich President that one could not govern with such cabinets without some sort of strong reserve. I saw the "red portfolio" and knew that the order for dissolution was in it, but let the voting be carried through first. Thirty-two votes were for Von Papen and about five hundred were against him. The Cabinet of Von Papen resigned.

Up to that point all the parties had drawn up cabinets, apart from the few small fragmentary parties. All men who were available had already been presented to the people at some time. Towards the end, Reich Defense Minister Von Schleicher, the political figure behind the scenes, had played an increasingly important part. There were therefore only two possibilities: Either the actual proportion of power would be taken into account and the leader of the strongest party, as is generally customary, would be brought into conferences and entrusted with the power, or else the man who was operating behind the scenes, the only possibility that was left, would be brought forward. And this happened. Herr Von Schleicher himself took over the chancellorship in conjunction with -- and this is important -- the office of Reich Defense Minister. It was clear to us, not only to us but also to the other parties, that as Herr Von Schleicher had far fewer personal sympathizers than Herr Von Papen and could not bring about a majority, a military dictatorship was finally aimed at by Von Schleicher. I had discussions with Herr Von Schleicher and told him that at this moment it was even possible to form a parliamentary majority. Through conferences I had succeeded in bringing together the German Nationals, National Socialists, Center, German People's Party and smaller supporting groups, to form a majority. It was clear to me that such a majority could be only temporary because the conflicting interests were too great. But

it was a matter of indifference to me whether I brought our Party to power this way or that -- if by means of parliamentary negotiations, very good; if by the Reich President's summons, all the better.

These negotiations were turned down by Herr Von Schleicher because he knew that he would then not be able to remain chancellor. Then again there were Emergency Laws and Enabling

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Acts. Parliament had thus been more or less excluded even before our seizure of power.

I immediately issued the same challenge to Herr Von Schleicher in the Reichstag, much more emphatically than previously to Herr Von Papen. In the meantime the presidential election had taken place and after that a Reichstag election, in which, after the dissolution of Von Papen's Cabinet we lost several seats. We were reduced from 232 to 196 seats. Then in January there were further elections, which showed an extraordinary rise in favor of our Party and proved that the short crisis had been surmounted and that the Party was on the upgrade more strongly than ever before.

On Sunday, the 22nd of January 1933 -- the 30th was a Monday -- I was in Dresden at a large political meeting, when I was summoned in the morning by the Fuehrer to motor to Berlin immediately. I arrived that afternoon, and he told me, which I already knew, that the Reich President was no longer satisfied with Von Schleicher and saw that political matters could not continue in this way; nothing was ever accomplished; the Reich President had independently arrived at the conclusion that somehow some responsibility must now be given to the strongest Party. Before that time, in a very clever way, a wrong personal impression of the Fuehrer had been created in the old gentleman's mind and he was prejudiced -- he probably took offense at the word socialism, because he understood that in a different way.

Briefly, Hitler revealed to me that day, that that evening I was to speak to the Field Marshal's son at the home of Herr Von Ribbentrop. I believe Herr Von Papen was to be present also and -- I am not sure about this -- Meissner, who was the State Secretary of the Reich President. The Field Marshal's son wanted to inquire on behalf of his father what the possibilities were of Hitler as chancellor and the inclusion of the Party in responsibility. In a rather lengthy conversation I declared to the son that he should tell his father that, one way or another, Von Schleicher would lead to shipwreck. I explained to him the new basic conditions for forming a new government, and how I had heard now of the Field Marshals willingness to entrust Hitler with the chancellorship, thereby regarding the Party as a main basis for a future government majority if Adolf Hitler were also able to succeed on this occasion in drawing in the German Nationals and the Stahlhelm -- for he wanted to see a definite national basis. The Stahlhelm was not a parliamentary party but it had many followers. The German Nationals under Hugenberg were a parliamentary party.

We did not discuss very much more that evening. I told Von Hindenburg's son that he could tell his father that I would undoubtedly bring that about, and the Fuehrer gave me orders to undertake

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negotiations during the coming week with these parties on the one hand and with the Reich President on the other. There were difficulties here and there. I found that our conceding...

THE PRESIDENT: I think we will break off now.

*[A recess was taken.]*

DR. STAHLER: You were dealing with the question of your participation in the appointment of Hitler as Reich Chancellor. Would you continue?

Goering: I had arrived at the last decisive period. The negotiations had become somewhat difficult. The Field Marshal, Reich President Von Hindenburg, who, until then, had come to know the Fuehrer personally only through two conversations and who had not yet overcome his distrust of him -- a distrust which had been instilled and nourished for many years by a variety of influences, simply because he did not know him -- had at that time demanded some severe restrictions, so that we, the strongest and now the leading party, which would have to be responsible to the nation for future measures, would be relatively very restricted and, in comparison with our strength, weakly represented in the government.

One must not forget that at this moment Germany had arrived at the lowest point of her downward trend. There were 8 million unemployed; all programs had failed; confidence in the parties existed no more; there was a very strong rise on the part of the revolutionary Leftist side; and political insecurity. Therefore those measures were necessary which the people would expect of us, if we were in the government, and for which we had to stand. So it was a very heavy burden to take over such a responsibility with such severe political conditions imposed.

First condition: The Reich President wanted, under all circumstances, that Herr Von Papen should become Vice Chancellor in this Cabinet. Apart from his sympathetic personality Herr Von Papen did not bring us anything, because there was no party behind him. But the Reich President demanded, beyond that, that Herr Von Papen should attend the presentation of the reports which the Fuehrer, after being appointed Reich Chancellor, would have to make to the Reich President. But this was abandoned very quickly, and by the Reich President himself.

Secondly, the Reich President desired that the Foreign Office, independent of all parties, should be in the hands of Herr Von Neurath. Herr Von Neurath also brought us nothing in the way of political power, apart from his knowledge and ability.

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Thirdly, the position of Prussian Prime Minister which, next to that of the Reich Chancellor was always the most important in Germany during the period after the World War, was likewise to be filled by the person of Herr Von Papen. Before the World War, as it is known, the offices of Reich Chancellor and Prussian Prime Minister were for these reasons always combined in one person.

Fourthly, the Reich President demanded that the office of Reich Defense Minister should also be in the hands of an independent person, a soldier; and he himself chose him, without our having anything to do with it, namely, General Von Blomberg, who at that time was at the Disarmament Conference in Geneva. Herr Von Blomberg was not known personally either to the Fuehrer or to me at that time.

Even though the essential and definitely most important posts in the Cabinet were thus already filled by persons in whose choice we had had no influence, still further demands developed in the course of the week. It was demanded that the Finance Ministry should be in the hands of Count Schwerin von Krosigk, again a man backed by no political party. The Ministry of Transportation was to be under Herr Von Eltz, to whom the same applied. The leader of the Stahlhelm, Seldte, was to be taken into the Cabinet. Certainly the Stahlhelm was a large and extensive movement, but not politically, and it was not represented by a single delegate in the Reichstag.

There was left, as a really political party, only the German National Party, with 36 seats -- our only parliamentary ally, so to speak. Here too, extraordinary demands were made, which were in no correct proportion to the smallness of that party.

In the end we, as the strongest party at that time with 232 seats, were given only the following, as far as I remember: The office of Reich Chancellor of course; then Dr. Frick as Reich Minister of the Interior, in the Cabinet; and I third in the Reich Cabinet, with an assignment as Reich Commissioner for Aviation, a very small subordinate division, an insignificant branch of a small Aviation Department in the Ministry of Transport, but no department otherwise. But then I succeeded in becoming, without conditions attached, Prussian Minister of the Interior and thereby a political minister of the largest German state, for in the end Prussia was actually the place where the rise to internal power started.

It was so far an extraordinarily difficult affair. At the last moment the forming of the Cabinet threatened to fail because of two factors. The Fuehrer had made the unconditional demand that shortly after the appointment of the new Cabinet a new Reichstag election should take place, knowing correctly that the Party would be greatly strengthened thereby and possibly could represent a

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majority by itself, and thus be in a position to form the government platform by parliamentary means. Hugenberg, as leader of the German National Party, absolutely opposed this, knowing that his party would probably disappear more or less in this election. Even 5 minutes before the meeting of the Cabinet there was still danger that it would break up because of this. It was pure chance that at this moment the Reich President undertook to administer the oath to the new ministers; and so the Cabinet was formed.

The second danger threatened from Schleicher who, through his confidant, on the Sunday made the following offer to the Fuehrer and me: He wanted to emphasize that the Reich President was not a sure factor as far as the new government was concerned; it would serve the purpose better if he -- even though he had withdrawn the day before -- were to join us to form a government now quite definitely

not on a parliamentary basis of any kind, but rather on the basis of an entirely new situation, a coalition of the Reichswehr and the NSDAP.

The Fuehrer refused, recognizing that this would be impossible and that the intentions were not honest. When Herr Von Blomberg arrived at the railroad station from Geneva on the Monday morning, he was given two orders, one from Herr Von Hammerstein, Chief of the Army Command and his superior, to come to him immediately; the other from Hindenburg, his commander-in-chief, to come to him immediately. There was at that time, known only to a few, the threat of a Putsch by Schleicher and Hammerstein with the Potsdam Garrison.

On the Sunday evening I mentioned that to Reich President Von Hindenburg, and that is the reason why, 2 hours before the rest of the Cabinet, Herr Von Blomberg was appointed Minister of War, or at that time Reich Defense Minister, in order to prevent any wrong move by the Reichswehr.

At 11 o'clock on the morning of the 30th the Cabinet was formed and Hitler appointed Reich Chancellor.

DR. STAHLER: Had the Party come to power in a legal way, in your opinion?

Goering: Of course the Party had come to power in an entirely legal way, because the Party had been called upon by the Reich President according to the Constitution, and according to the principles in force the Party should have been called upon much earlier than that. The Party gained strength and came to power only by way of normal elections and the franchise law then valid.

DR. STAHLER: What measures were now taken to strengthen this power after Hitler's appointment?

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Goering: It was a matter of course for us that once we had come into power we were determined to keep that power under all circumstances. We did not want power and governmental authority for power's sake, but we needed power and governmental authority in order to make Germany free and great. We did not want to leave this any longer to chance, to elections, and parliamentary majorities, but we wanted to carry out the task to which we considered ourselves called.

In order to consolidate this power now, it was necessary to reorganize the political relationship of power. That was carried out in such a manner that, shortly after the seizure of governmental authority in the Reich and in Prussia, the other states followed automatically and more or less strong National Socialist governments were formed everywhere.

Secondly, the so-called political officials who according to the Reich Constitution could be recalled at any time, or could be dismissed, would naturally have to be replaced now, according to custom, by people from the strongest party.

As far as legality, that is, the opinion that we came to power legally, is concerned, I should like to emphasize two considerations in particular.

Firstly: in the years 1925 to 1932 no fewer than 30 Reichstag, Landtag, and presidential elections took place in Germany. The very fact that 37 parties had candidates in one Reichstag election alone gives a clear picture of how it happened that one strong coalition formed the so-called government majority, and another strong grouping formed the opposition, each with an entirely different point of view. Just think of an opposition formed in common by Communists and National Socialists for example, and the fact that one small party which had eight representatives altogether was now the decisive factor, and in two readings of a law, especially of a decisive law -- every law had to have three readings -- voted against the government and then secured sufficient political and material advantages to force the law through for the government at its third, final reading. This may give a picture of the conditions.

The second point which I want to emphasize especially in regard to the legality of our coming to power, is the following:

Had the democratic election system of England or the United States of America existed in Germany, then the National Socialist German Workers Party would, at the end of 1931 already, have legally possessed all seats in the Reichstag, without exception. For in every electoral district in Germany at that time, or at the beginning of 1932 at the latest, in every one -- I emphasize this once more -- the NSDAP was the strongest party; that is to say, given an electoral system as it is in Great Britain or in the United States

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all these weaker parties would have failed to gain any seats and from this time on we would have had only National Socialists in the Reich, in a perfectly legal way according to the democratic principles of these two great democracies.

For the further seizure of power the main political offices were now filled by new holders, as is the case in other lands when there has been a change-over of power among the political parties. Besides the ministers there were first of all -- taking Prussia as an example -- the administrative heads of the provinces, the official heads of administrative districts, the police commissioners, county heads (Landrate). In addition there was a certain further grade -- I believe down to ministerial directors -- who were considered political officials. District attorneys were considered political officials. This on the whole describes the range of offices which were filled anew when a shift in political power took place and had previously been bargained out among the parties having the majority. It did not go so far as in other countries -- all the way down to the letter carrier. There was a change of office holders, but only of the most important posts.

In spite of that we did very little in this direction at first. First of all, I requested Herr Von Papen to relinquish to me the position of Prussian Prime Minister, as he, having no party, behind him, could not very well undertake this re-shuffling, but rather I, that is, one of us, should undertake it. We agreed at once. Thereupon I filled some, a relatively small part, of the highest administrative Prussian offices with National Socialists. At the same time I generously allowed Social Democrats to remain in these posts for many weeks. I filled a few important provincial offices with leading Catholic persons who were much

closer to the Center Party than to us. But slowly, by degrees, in the course of time these offices, to the extent that they were key administrative positions, were, of course, filled with National Socialists -- it could hardly be otherwise in the further course of the change-over, since these offices at the same time corresponded to the political districts. Even until the very end district heads remained in part National Socialists, in part, however, simply officials. The same was true of the Landrate. In the case of police commissioners, I should like to emphasize for the information of the Tribunal that the police commissioners at first had nothing to do with the Gestapo. A police commissioner in the bigger cities had the same function as a Landrat in the country, in part at least. These police commissioner posts had always been filled by the largest political parties until the seizure of power. Thus I found Social Democrats in these positions who could not, with the best of intentions, remain, as they had always been our opponents up to that date. That would have been absurd. I filled these police commissioner posts partly with National

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Socialists but partly, however, with people who had nothing to do with the Party. I remember that to the most important police commissioner post in the whole German Reich, the one in Berlin, I appointed Admiral Von Levetzow, retired, who was not a member of the Party. In some of these offices I put former SA leaders.

For the purpose of consolidation of power, which seemed very important not only to me but all of us because that was to form the basic condition for our further work, a still stronger influence came into the Reich Cabinet. New National Socialists received positions as ministers. New ministries were created. In addition came a number of new basic laws.

It was indeed clear to everyone who had concerned himself with German conditions, either abroad or especially in Germany, that we would put an end to the Communist Party as quickly as possible. It was an absolutely necessary consequence that it should be prohibited. We were convinced that if the Communist Party, which was the strongest next to us, had succeeded in coming to power, it would certainly not have taken any National Socialists into its cabinet or tolerated them elsewhere. We were aware that we would have been eliminated in an entirely different manner.

A further point in the consolidation of power was to eliminate to a certain extent the Reichstag as a parliament, at least for a period of time during the reorganization, because its influence was increasing until then. That, however, had happened owing to the fact that we had an absolute majority in the Reichstag after the new election. In some cases we suggested to the former parties that they should dissolve themselves, because they no longer had any purpose, and those which could not dissolve themselves were dissolved by us. I was speaking of the Communist Party and the Social Democratic Party. Beyond that, we wanted finally to fulfill an old, old longing of the German people and now not only appear to have the structure of a Reich, but at last, really become a unified German Reich. This purpose was served by firmly establishing the Reich idea and the Reich's power throughout the countless states and provinces. If it had been difficult for a fervent German patriot before the first World

War to get along with a heap of petty princes, it was even worse with those who took their places, for in the place of one, small will there now appear the most various, party-bound officials.

In the Reich there was a majority based on one thing; in Prussia, on another; in Bavaria, on yet another; and in Hesse, on something quite different. It was impossible in this manner to establish Reich sovereignty and a Reich which could be great again.

Therefore I suggested to the Fuehrer that the state parliaments should be dissolved and done away with as a matter of principle.

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In Prussia I began with the elimination of state parliaments, which I considered entirely superfluous, for the simple reason that the principle "Reich dominion, not state authority" was already in force. I saw no reason why so many different authorities should exist which, with their unnecessary frictions and discussions merely hindered constructive work. Yet, however much I wanted to see and make the Reich structurally unified, I, and the Fuehrer above all, always supported the idea that within the German states and provinces cultural life should remain many-sided and bound to local traditions; that is to say, all the old centers of culture, which, as is well known, had formed around Munich, Dresden, Weimar, and so on, should continue to exist in that way and be supported.

For the further consolidation of power those laws were created which would first of all eliminate any further obstacle to progress, that is to say, on the basis of Paragraph 48, the law did away with the so-called freedoms. The conception of these freedoms is a matter of controversy. The "Law for the Protection of People and State" was created, a law which was most urgently needed. In the past years much had been prohibited which could have stimulated patriotic activity, yet a senseless defamation had been allowed of the German people, its history, the German State, and those symbols and objects which are, after all, very holy things to a patriot; and they were not protected in any way.

It is a matter of course that in connection with the concept of "conformity" which arose at this time, very many unnecessary and excessive things were done, for after the seizure of power the whole movement developed along revolutionary lines, although not in the way of revolutions as they had been known in history until then, such as the French Revolution, or the great Bolshevik Revolution -- that is to say, not by way of great conflicts and cruel changes, revolutionary tribunals that executed people by hundreds, of thousands -- but still with a strong revolutionary aim in the direction of unity of State, Party, and National Socialism as the basis of leadership and of ideology.

This "conformity" which I have just mentioned was then effected in detail; but, as I have said, on the occasion of such drastic political transformations people will always overstep the mark here and there. Personally I did not consider it necessary that every organization should now become National Socialist or that -- if I am to express myself quite drastically -- every club or similar organization should absolutely have to have a National Socialist chairman. But in decisive political matters, and in matters of

principle, our ideas and our ideology had to be recognized more and more; for that was the basic condition for the rebuilding, establishing, and strengthening of the Reich.

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An additional strengthening, which occurred only after the death of Reich President Von Hindenburg in 1934, was the confirmation of the head of the state and the Reich Chancellor in one person. To this I should like to add that on this occasion I had a long conversation with the Fuehrer. Right from the beginning we had discussed whether Hitler would and should take over the position of head of the State, and whether I should take over the chancellorship. In view of the Fuehrer's temperament and attitude it was unthinkable that the Fuehrer, sitting on a throne above the political clouds, so to speak, should appear only as head of the State. He was definitely a political leader and hence a leader of the government. Also the thought of putting in some other person as a puppet head of the State we considered unworthy of the situation.

The Fuehrer told me then that the simplest thing to do would be to take as example the United States of America, where the head of the state is at the same time also the head of the government. Thus, following the example of the United States, we combined the position of the head of the State with the head of the government, and he called himself "Fuehrer of the German People and Reich Chancellor of the German Reich."

That he thereby automatically became also the Commander-in-Chief of the German Armed Forces followed as a matter of course, according to the Constitution, and also according to the previous Constitution, just as is the case in other countries also.

That was the position, broadly speaking, apart from a number of other developments which probably will have to be mentioned later in my testimony -- as, for instance, the establishment of police power, the basic element of the consolidation of power, and so on.

In conclusion I wish to say: 1) It is correct that I -- and I can speak only for myself -- have done everything which was at all within my personal power to strengthen the National Socialist movement, to increase it, and have worked unceasingly to bring it to power under all circumstances and as the one and only authority. 2) I have done everything to secure for the Fuehrer the place as Reich Chancellor which rightfully belonged to him. 3) When I look back, I believe I have not failed to do anything to consolidate our power to such an extent that it would not have to yield to the chances of the political game or to violent actions but would rather in the further course of reconstruction, become the only factor of power, which would lead the Reich and lead it -- as we hoped -- to a great development.

DR. STAHLER: What offices did you hold after the seizure of power?

Goering: First I was President of the Reichstag, as before, and I remained that until the end. In the Reich Cabinet I was given at

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first the post of Reich Minister and Reich Commissioner for Aviation, not the Air Force. In parentheses I should like to say that from the very beginning it was clear to me that we had to establish an air force.

In Prussia I was given the position of the Pfussian Minister of the Interior, then on 20 April 1933, in addition, the post of Prime Minister of Prussia.

The Reich Commissariat for Aviation had become before this, I believe already in March 1933, a Reich Ministry for Aviation.

Then there were still several not very important offices, President of the State Council, and so on.

Important at that time, however, were the two offices of Prime Minister of Prussia on the one hand and Minister of Aviation on the other. The office of Prussian Minister of the Interior I handed over to the Reich Minister of the Interior at the beginning of 1934, for it was part of the consolidation of power and above all, of the clarification necessary for proper governing authority in the Reich, that the Prussian ministries should be combined with those of the Reich. Only in this way was it possible for the Reich ministries to receive practical information about the political work of the day and about the work of the departments. Only through this combination was that possible.

DR. STAHLER: Did you in your capacity as Prussian Minister of the Interior create the Gestapo and the concentration camps which have so often been mentioned here? When and for what purpose were they established?

Goering: I mentioned before that for the consolidation of power the first prerequisite was to create along new lines that instrument which at all times and in all nations is always the inner political instrument of power, namely, the police. There was no Reich police, only provincial police. The most important was the Prussian police. This had already been filled by our predecessors, the former parties, with their own people, according to their political attitude. I have mentioned the filling of the posts of police commissioners and those of the chiefs of the main police offices within the Prussian Ministry of the Interior. Thus it was that our opponents, our most bitter opponents, who up to then had always opposed us most vigorously with this police power, were still in the regional offices.

A slight loosening up had taken place before I took charge, during the time when the Social Democratic Braun-Severing government was replaced by the government of Herr Von Papen. At that time the bitterest opponents were also removed from the police. Nevertheless the most important positions were still in the hands of definite political opponents. I could not very well expect that those

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who until yesterday were ready to employ the police with particular severity against us, would today show the same loyalty to the new state.

Before our time there was also a political police in Prussia. That was Police Department Ia, and its task was first of all the supervision of and the fight against the National Socialists, and also, in part, against the Communists.

Now, I could have simply put new people into this political police and let it continue along the old lines. But the situation had changed because of our seizure of power, for at this time, as I have mentioned before, the Communist Party was extraordinarily strong. It had over 6 million voters, and in its Red Front Organization it had a thoroughly revolutionary instrument of power. It was quite obvious to the Communist Party that if we were to stay in power for any length of time, it would ultimately lose its power.

Looking back, the danger positively existed at that time of political tension, and with atmosphere of conflict, that revolutionary acts might have taken place on the part of the Communists, particularly as, even after we came to power political murders and political shootings of National Socialists and policemen by that party did not stop, but at times even increased. Also the information which I received was such that I was made extremely fearful of a sudden swing in that direction. Therefore with this department as it was, I could not ward off that danger. I needed reliable political police not only in the main office, but also in the branch offices. I therefore had to enlarge this instrument.

In order to make clear from the outset that the task of this police was to make the State secure I called it the Secret State Police, and at the same time I established branch offices of this police. I took in a great number of political officials who were experienced, and at the beginning took fewer people from the Party circles because for the time being I had to attach importance to professional ability.

I also wanted this police to be concerned exclusively with protecting the State, first of all against its enemies. And the leader whom I selected for this police force was not from the Party but came from the former police. He, Diels, was already there at that time as Oberregierungsrat and later as Ministerialrat, and likewise the main chiefs of the Gestapo were officials who were not from the Party. Later the Party element appeared in the police more and more. Their mission was first of all to create as quickly as possible all assurance of security against any action from the left.

I know -- as was afterwards proved -- that the headquarters of the Communists in Berlin, the Liebknecht House, was strongly fortified and contained very many arms; we had also at that time brought to light very strong connections between the Russian Trade Delegation

and the German Communist Party. Even if I arrested, as I did, thousands of communist functionaries at one blow, so that an immediate danger was averted at the outset, the danger as such was by no means eliminated. It was now necessary to disclose the secret connections, the network of these secret connections, and to keep them constantly under observation. For that purpose a police leadership would have to crystallize. The Social Democratic Party on the whole seemed to me not nearly so dangerous, especially as far as its members were concerned. But of course they were also absolute opponents of our

new State. A part of their functionaries were radical, another part less radical. The more radical I likewise placed under observation, while a whole number of former Social Democratic ministers, heads of Prussian provinces and higher officials, as I said before, were quietly discharged and received their pensions, and nothing further was undertaken against them. Of course there were also other functionaries of the Social Democratic Party whom we definitely had to watch carefully. Thus the Secret State Police was created by me for these tasks, first of all in Prussia, because I had nothing to do with the other states at that time. The organization of the rest of the police is not of such importance here.

DR. STAHLER: The concentration camps?

Goering: When the need became evident for creating order first of all, and removing the most dangerous element of disorder directed against us, I decided to have the communist functionaries and leaders arrested all at once. I therefore had a list made for that purpose, and it was clear to me that even if I arrested only the most important and most dangerous of these functionaries it still would involve several thousands, for it was necessary to arrest not only the party functionaries but also those from the Red Front Organization, as the Communists also had affiliated organizations. These arrests were in accordance with reasons of State security and State necessity. It was a question of removing a danger. Only one possibility was available here, that of protective custody -- that is, whether or not one could prove that these people were involved in a traitorous act or an act hostile to the State, whether or not one could expect such an act from them, such an act must be prevented and the possibility eliminated by means of protective custody. That was nothing new and it was not a National Socialist invention.

Already before this such protective custody measures had been carried out, partly against the Communists, and chiefly against us, the National Socialists. The prisons were not available for this purpose, and also I want to stress from the very beginning that this was a political act for the defense of the State. Therefore, I said that these men should first of all be gathered into camps -- one to two camps were proposed at that time -- because I could not tell them how long the

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internment of these people would be necessary nor how the number would be increased by the further exposure of the entire communist movement. When we occupied the Karl Liebknecht House we found so many arms, material, and preparations for a civil war, that, as I said, one could not gain a general view of its extent. I have already indicated, as is obvious, that in view of such great political tension as existed between the extreme wings of these political opponents and in view of the bitterness of the opposition caused by the continuous fighting in the streets, the mutual tension, et cetera, resulting from the political struggle, the situation would conceivably not be a very pleasant one for the inmates. For this reason I gave instructions that the guard, if possible to a large extent, should consist of police forces; only where those were not adequate should auxiliary forces be called. I have stated my opinion with regard to the question of concentration camps and I should like to point out that this name was not created by us, but that it appeared in the foreign press and was then adopted. Where the name originated, is rather an

historical matter. At the end of 1933 in a book, which at first appeared in, English, at the request of an English publisher, and which has already been presented by the Prosecution as evidence, I stated my views on this matter quite openly -- that was at the end of 1933. I point out again that it was for foreign countries, for English-speaking countries. At that time I openly stated the following: Of course, in the beginning there were excesses; of course, the innocent were also hurt here or there; of course, there were beatings here and there and acts of brutality were committed; but compared to all that has happened in the past and to the greatness of the events, this German revolution of freedom is the least bloody and the most disciplined of all revolutions known to history.

DR. STAHLER: Did you supervise the treatment of the prisoners?

Goering: I naturally gave instructions that such things should not happen. That they did happen and happened everywhere to a smaller or greater extent I have just stated. I always pointed out that these things ought not to happen, because it was important to me to win over some of these people for our side and to re-educate them.

DR. STAHLER: Did you do anything about abuses of which you heard?

Goering: I took a personal interest in the concentration camps up to the spring of 1934. At that time there were two or three camps in Prussia.

Witness Korner has already mentioned the case of Thalmann. I would like to speak about it briefly, because it was the most striking case, as Thalmann was the leader of the Communist Party. I could

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not say today who it was who hinted to me that Thalmann had been beaten.

I had him called to me in my room directly, without informing the higher authorities and questioned him very closely. He told me that he had been beaten during, and especially at the beginning, of the interrogations. Thereupon, as the witness who was present has said already, I told Thalmann that I regretted that. At the same time I told him, "Dear Thalmann, if you had come to power, I probably would not have been beaten, but you would have chopped my head off immediately." And he agreed. Then I told him that in the future he must feel free to let me know if anything of this sort should happen to him or to others. I could not always be there, but it was not my wish that any act of brutality should be committed against them.

Just to demonstrate this case, which was not an unimportant one, I want to stress that later Thalmann's wife turned to me for help and that I answered her letter immediately.

At that time I also -- this I can prove by evidence -- helped the families of the inmates financially so far as that was necessary.

At this opportunity I should also like to speak about the unauthorized concentration camps which have been mentioned, the purpose of which came under the heading of abolition of abuses. At first I did not

know anything about them, but then I found out about one such camp near Stettin. It had been established by Karpfenstein, at that time Gauleiter of Pomerania. I had this camp closed at once -- my Defense Counsel will remember that he, independently of me, received information about this during the Trial, from an inmate whom I do not know at all -- and I had the guilty persons, who had committed acts of brutality there, brought before a court and prosecuted by the state attorney, which can likewise be proved. Karpfenstein was expelled from the Party.

A second camp of that kind was found in Breslau, which Heines had established. I do not remember today what happened there. At any rate, it was a camp not authorized by me. This one I likewise closed down and did away with immediately. Heines was one of the closest of Rohm's collaborators, about whom I shall speak later.

As far as I can remember-- I cannot name the place exactly anymore -- close to Berlin another unauthorized concentration camp had been secretly established by Ernst, the SA leader in Berlin, whom I had always suspected of acts of brutality. That also, was closed. Ernst belonged to those evil figures who were eliminated in the Rohm Putsch. It is possible to question persons who were inmates of these camps at that time, 1933 and the beginning of 1934, as to whether during that time anything happened which even approached that which happened later.

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DR. STAHLER: Did you, after a consolidation of power had taken place, ever free inmates to any great extent and at what time did you do so?

Goering: At Christmas of 1933 I gave orders for the release of the lighter cases, that is the less dangerous cases, and those cases of which one had the impression the people had resigned themselves to the situation; that was about 5,000 people. I repeated that once more in November 1934 for 2,000 inmates. I stress again that that refers only to Prussia. At that time, as far as I remember -- I cannot say exactly -- one camp was dissolved or at least closed temporarily. That was at a time when nobody thought that it would ever be the subject of an investigation before an international tribunal.

DR. STAHLER: How long were you in charge of the Gestapo and the concentration camps and until what date?

Goering: Actually I was in charge until the beginning of 1934, that is, at the beginning of 1934 Diels was the head and he gave me frequent reports about the Gestapo and about the concentration camps. Meanwhile, outside Prussia a re-grouping of police had taken place with the result that Himmler was in charge of the police in all the provinces of Germany with the exception of Prussia only. Probably following the example of my measures, he had installed the Secret State Police there, because the police at that time was still a matter of the states. There were the police of Bavaria, Wurttemberg, Baden, Hesse, Saxony, et cetera.

He had become the leader of all these police forces, and of course he now sought to get the leadership of the police in Prussia as well. I was very satisfied with Diels at that time, and from my point of view I saw no reason for letting any change take place.

These efforts, I believe, started as early as in the late summer of 1933. Shortly after I had transferred the Prussian Ministry of the Interior to the Reich Ministry of the Interior, in the spring of 1934, and so was no longer a departmental minister, Himmler, I assume, probably urged the Fuehrer more strongly to put him in charge of the Prussian police as well. At that time I did not expressly oppose it. It was not agreeable to me; I wanted to handle my police myself. When, however, the Fuehrer asked me to do this and said that it would be the correct thing and the expedient thing, and that it was proved necessary for the enemy of the State to be fought throughout the Reich in a uniform way, I actually handed the police over to Himmler, who put Heydrich in charge. But legally I still retained it, because there was still no Reich police in existence.

The rest of the police, the state police -- that is the uniformed police -- I did not turn over to him, because, as I shall explain later, I had to a large extent organized this police in Prussia along military

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lines, in order to be able to fit it into the future rearmament program. For this reason I could not and did not want to give him the uniformed police, because it had been trained for purely military purposes -- by me, at my instigation, and on my responsibility -- and had nothing to do with the actual police. It was turned over to the Armed Forces by me in 1935.

In 1936 the Reich Police Law was issued, and thereby the office of the Chief of the German Police was created. By virtue of this law the police was then legally and formally turned over to the ReichsFuehrer SS, or, as he was called, the Chief of the German Police.

DR. STAHLER: You mentioned before the Rohm Putsch. Who was Rohm, and with what event was this Putsch connected?

Goering: Rohm had become leader of the SA, Chief of Staff of the SA.

TBE PRESIDENT: I think we had better adjourn. It is 5 o'clock now.

*[The Tribunal adjourned until 14 March 1946 at 1000 hours.]*

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DR. STAHLER: Did you take part in laying down the Party program?

Goering: No. The Party program had been compiled and announced when I heard about the movement for the first time and when I declared my intention of joining.

DR. STAHLER: What is your attitude towards these points of the Party program?

Goering: On the whole, positive. It is a matter of course that there is hardly any politically minded man who acknowledges and agrees with every point of the program of a political party.

DR. STAHLER: In addition to these generally known points of the Party program, were there other aims which were kept secret?

Goering: No.

DR. STAHLER: Were these aims to be achieved by every means, even by illegal means?

Goering: Of course, they were to be achieved by every means. The conception "illegal" should perhaps be clarified. If I aim at a revolution, then it is an illegal action for the state then in existence. If I am successful, then it becomes a fact and thereby legal and law. Until 1923 and the events of 9 November I and all of us had the view that we would achieve our aim, even, if necessary, in a revolutionary manner. After this proved a failure, the Fuehrer, after his return from the fortress, decided that we should in the future proceed legally by means of a political fight, as the other parties had done, and the Fuehrer prohibited any illegal action in order to avoid any setback in the activity of the Party.

DR. STAHLER: When and with what aims was the SS created?

Goering: The SS was created while I was abroad; I think it was in 1926 or 1927. Its purpose, as far as I remember, was to form, first of all, within the Movement a specially picked body as a protection for the person of the Fuehrer. Originally it was extremely small.

DR. STAHLER: Did you at any time belong to the SS?

Goering: I never belonged to the SS in any way, at any time, neither actively nor passively.

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DR. STAHLER: The assumption that you were a general in the SS is therefore incorrect?

Goering: Yes, absolutely incorrect.

DR. STAHLER: What did you understand by the term "master race"?

Goering: I myself understood nothing by it. In none of my speeches, in none of my writings, will you find that term. It is my view that if you are a master you have no need to emphasize it.

DR. STAHLER: What do you understand by the concept "living space"?

Goering: That conception is a very controversial one. I can fully understand that powers who together -- I refer only to the four signatory powers -- call more than three-quarters of the world their own, explain this idea differently. But for us, where 144 people live in 1 square kilometer, the words "living space" meant the proper relation between a population and its nourishment, its growth, and its standard of living.

DR. STAHLER: An expression which is always recurring is that of "seizure of power."

Goering: I should like to call "seizure of power" a terminus technicus. We might just as well have used another term, but this actually expresses as clearly as possible what did in fact occur, that is to say, we seized power.

DR. STAHLER: What is your attitude to the Leadership Principle?

Goering: I upheld this principle and I still uphold it positively and consciously. One must not make the mistake of forgetting that the political structure in different countries has different origins, different developments. Something which suits one country extremely well would perhaps fail completely in another. Germany, through the long centuries of monarchy, has always had a leadership principle. Democracy appeared in Germany at a time when Germany was very badly off and had reached rock-bottom. I explained yesterday the total lack of unity that existed in Germany -- the number of parties, the continuous unrest caused by elections. A complete distortion of the concepts of authority and responsibility had arisen, and in the reverse direction. Authority lay with the masses and responsibility was with the leader, instead of the other way about. I am of the opinion that for Germany, particularly at that moment of its lowest ebb, when it was necessary for all forces to be welded together in a positive fashion, the Leadership Principle -- that is, authority from above downwards and responsibility from below upwards -- was the only possibility. Naturally I realize the fact that here, too, a principle, while thoroughly sound in itself,

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can lead to extremes. I should like to mention some parallels. The position of the Catholic Church rests now, as before, on the clear leadership principle of its hierarchy. And I think I can also say that Russia, too, without the leadership principle, could not have survived the great burden which was imposed on her by this war.

DR. STAHLER: Concerning the measures for strengthening your power which you described yesterday, did they take place in full agreement with Reich President Von Hindenburg?

Goering: As long as the Reich President was alive, and therefore active, they naturally did take place in agreement with him. And as far as his assent was constitutionally necessary, according to Paragraph 48, that assent was also given.

DR. STAHLER: Was the National Socialist Government recognized by foreign powers?

Goering: Our government was recognized from the first day of its existence and remained recognized until the end, that is, except where hostilities severed diplomatic connections with several states.

DR. STAHLER: Did diplomatic representatives of foreign countries visit your Party rallies in Nuremberg?

Goering: The diplomatic representatives were invited to the Party rallies, these being the greatest event and the greatest demonstration of the movement; and they all attended, even if not the full number of them every year. But one I remember very well.

DR. STAHLER: Until what year?

Goering: Until the last Party rally, 1938.

DR. STAHLER: To what extent after the seizure of power was property of political opponents confiscated?

Goering: Laws were issued which decreed confiscation of the property of people hostile to the State, that is, the Property of parties we declared to be hostile to the State. The party property of the Communist Party and its associated units, and the property of the Social Democratic Party was partly confiscated -- but not, and I want to emphasize that, the private property of the members or even of the leaders of these parties. On the contrary, a number of leading Social Democrats who had been ministers or civil servants were still paid their full pension. In fact, later on it was increased.

DR. STAHLER: How do you explain the actions against the trade unions? How do you explain the actions against free workers' associations?

Goering: First of all, the trade unions: Trade unions in Germany were for the most part, or the most important of them, very closely connected with the Social Democratic Party, and also to

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an increasing extent, due to the influence and the activity of the Communists, with the Communist Party. They were in fact, if not formally so, organs, indeed very active organs, of these parties, and here I am not talking about the masses of the members of the trade unions, but about the leaders of the trade unions. In addition there was also a smaller Christian trade union, an organ of the Center Party.

These trade unions, because of their leaders and the close connection of these leaders with those parties which we regarded as our opponents, agreed with our opponents to such an extent that they did not in any way fit into our new State. Consequently the organization of trade unions was dissolved, and for the workers the organization of the German Labor Front was created. This did not result in the destruction of the liberty of the German worker, in my opinion; on the contrary, I am convinced that we were the ones to give the German workers real freedom, for it consisted first of all in the fact that we made his right to have work secure, and laid particular stress on his position in the State.

We did, of course, do away with two things which perhaps must be regarded as two characteristics of a freedom which I do not understand: strikes on one side and lockouts on the other. These could not be made consistent with the right to have work nor with the duties which every citizen has towards the greatness of his nation. These two disquieting elements, which also contributed to the great number of unemployed, we removed and replaced with an enormous labor program.

Creation of work was another essential point of our social program and has also been adopted by others, though under a different name.

I do not propose to elaborate on this social program. It was, however, the first time that the worker had a right to a vacation, a paid vacation, this I only add as an aside. Great recreation centers were created for the workers. Enormous sums were invested in new housing projects for workers. The whole standard of living for the worker was raised. Up to that time the worker had been used and exploited. He hardly had any property of his own because, during years of unemployment, he had to sell everything or pawn it. Thus, without going into detail, I should like to say in conclusion that we did not enslave free workers, but rather we liberated the worker from the misery of unemployment.

DR. STAHLER: You talked about the Rohm revolt yesterday. Who was Rohm and of what did the revolt consist?

Goering: Rohm, from 1931, had been the Chief of Staff of the SA, that is to say, he was responsible, for the SA to the Fuehrer,

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who was himself the highest SA leader, and he led it in the Fuehrer's name.

The main controversy between Rohm and us was that Rohm, like his predecessor Pfeffer, wanted a stronger revolutionary way to be adopted, whereas the Fuehrer, as I said earlier, had ordered a legal development, the final victory of which could be expected.

After the seizure of power Rohm desired, under all circumstances, to get hold of the Reich Defense Ministry. The Fuehrer refused that point-blank, as he did not wish the Armed Forces to be conducted politically in any way, or to have any political influence brought to bear on the Armed Forces.

The contrast between the Armed Forces and the Rohm group -- I am intentionally not speaking of a contrast between the Armed Forces and the SA, since there was none, but solely of this leadership group, which called itself at that time the SA Leadership and it actually was -- was that Rohm wanted to remove the greater number of the generals and higher officers who had been members of the Reichswehr all this time, since it was his view that these officers did not offer a guarantee for the new State, because, as he expressed it, their backbone had been broken in the course of the years and they were no longer capable of being active elements of the new National Socialist State.

The Fuehrer, and I also, had exactly the opposite point of view in this connection.

Secondly, the aims of the Rohm-minded people, as I should like to call them, were directed in a different direction, towards a revolutionary act; and they were opposed to what they called reaction. They definitely desired to adopt a more Leftist attitude. They were also sharply opposed to the Church and also very strongly opposed to the Jews. Altogether, and I refer only to the clique consisting of certain persons, they wished to carry out a revolutionary act. That Rohm placed all his people in leading positions in the SA and removed the decent elements, and misguided the decent SA people without their knowledge, is a well-known fact.

If encroachments did occur at that time, they always involved the same persons, first of all the Berlin SA leader, Ernst, secondly the Breslau leader, Heines, the Munich and Stettin leaders, et cetera. A few weeks before the Rohm Putsch a low-ranking SA leader confided in me that he had heard that an action against the Fuehrer and his corps was being planned to replace the Third Reich as expeditiously as possible by a final Fourth Reich, an expression which these people used.

I myself was urged and begged to place outside my house not only guards from a police regiment but also to appoint an SA guard of honor. I had agreed, and later on I heard from the commander of

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these troops that the purpose of that guard of honor was to arrest me at a given moment.

I knew Rohm very well. I had him brought to me. I put to him openly the things which I had heard. I reminded him of our mutual fight and I asked him to keep unconditional faith with the Fuehrer. I brought forward the same arguments which I have just mentioned, but he assured me that he naturally was not thinking of undertaking anything against the Fuehrer. Shortly afterward I received further news to the effect that he had close connections with those circles who also were strongly opposed to us.

There was, for instance, the group around the former Reich Chancellor Schleicher. There was the group around Gregor Strasser, the former member of the Reichstag and organizational leader of the Party, who had been excluded from the Party. These were groups who had belonged to the former trade unions and were rather inclined to the Left. I felt it my duty to consult the Fuehrer now on this subject. I was astonished when he told me that he, too, already knew about these things and considered them a great threat. He said that he wished, however, to await further developments and observe them carefully.

The next event occurred just about as the witness Korner described it here, and therefore I can skip it. I was given the order to proceed immediately against the implicated men of the Rohm group in northern Germany. It was decided that some of them were to be arrested. In the course of the day the Fuehrer ordered the execution of the SA leader of Pomerania, Ernst, and two or three others. He himself went to Bavaria where the last meeting of a number of Rohm leaders was taking place and personally arrested Rohm and these people in Wiessee.

At that time this matter presented a real danger, as a few SA units, through the use of false passwords, had been armed and called up. At one spot only a very short fight ensued and two SA leaders were shot. I deputized the police, which in Prussia was then already under Himmler and Heydrich, to make the arrests. Only the headquarters of Rohm, who himself was not present, I had occupied by a regiment of the uniformed police subordinated to me. When the headquarters of the SA leader Ernst in Berlin were searched, we found in the cellars of those headquarters more submachine guns than the whole Prussian police had in its possession.

After the Fuehrer, on the strength of the events which had been met with at Wiessee, had ordered who should be shot in view of the state of national emergency, the order for the execution of Ernst,

Heydebreck, and some of the other Rohm collaborators was issued. There was no order to shoot the other people who had been arrested. In the course of the arrest of the former Reich Chancellor Schleicher, it happened that both he and his wife were killed. An investigation

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of this event took place and it was found that when Schleicher was arrested, according to the statements of the two witnesses, he reached for a pistol, possibly in order to kill himself, whereupon the two men raised their pistols and Frau Schleicher threw herself upon one of them to hold him, causing his revolver to go off. We deeply regretted that event.

In the course of that evening I heard that other people had been shot as well, even some people who had nothing at all to do with this Rohm Putsch. The Fuehrer came to Berlin that same evening. After I learned this, later that evening or night, I went to him at noon the next day and asked him to issue an order immediately, that any further execution was under any circumstances forbidden by him, the Fuehrer, although two other people who were deeply involved and who had been ordered by the Fuehrer to be executed, were still alive. These people were consequently left alive. I asked him to do that because I was worried lest the matter should get out of hand -- as, in fact, it had already done to some extent -- and I told the Fuehrer that under no circumstances should there be any further bloodshed.

This order was then given by the Fuehrer in my presence, and it was communicated at once to all offices. The action was then announced in the Reichstag, and it was approved by the Reichstag and the Reich President as an action called for by the state of national emergency. It was regretted that, as in all such incidents, there were a number of blunders.

The number of victims has been greatly exaggerated. As far as I can remember exactly today, there were 72 or 76 people, the majority of whom were executed in southern Germany.

DR. STAHLER: Did you know about the development of the attitude of the Party and the State toward the Church, in the course of time?

Goering: Certainly. But as a final remark on the Rohm Putsch I should like to emphasize that I assume full responsibility for the actions taken against those people -- Ernst, Heydebreck, and several others -- by the order of the Fuehrer, which I carried out or passed on; and that, even today, I am of the opinion that I acted absolutely correctly and with a sense of duty. That was confirmed by the Reich President, but no such confirmation was necessary to convince me that here I had averted what was a great danger to the State.

As to the attitude towards the Church -- the Fuehrer's attitude was a generous one, at the beginning absolutely generous. I should not like to say that it was positive in the sense that he himself was a positive or convinced adherent of any one confession, but it was

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generous and positive in the sense that he recognized the necessity of the Church. Although he himself was a Catholic, he wished the Protestant Church to have a stronger position in Germany, since Germany was two-thirds Protestant.

The Protestant Church, however, was divided into provincial churches, and there were various small differences which the dogmatists took very seriously. For that reason they once in the past, as we know, fought each other for 30 years; but these differences did not seem so important to us. There were the Reformed, the United, and the pure Lutherans -- I myself am not an expert in this field.

Constitutionally, as Prussian Prime Minister, I was, to be sure, in a certain sense the highest dignitary of the Prussian Church, but I did not concern myself with these matters very much.

The Fuehrer wanted to achieve the unification of the Protestant Evangelical Churches by appointing a Reich Bishop, so that there would be a high Protestant church dignitary as well as a high Catholic church dignitary. To begin with, he left the choice to the Evangelical churches, but they could not come to an agreement. Finally they brought forward one name, exactly the one which was not acceptable to us. Then a man was made Reich Bishop who had the Fuehrer's confidence to a higher degree than any of the other provincial bishops.

With the Catholic Church the Fuehrer ordered a concordat to be concluded by Herr Von Papen. Shortly before that agreement was concluded by Herr Von Papen I visited the Pope myself. I had numerous connections with the higher Catholic clergy because of my Catholic mother, and thus --I am myself a Protestant -- I had a view of both camps.

One thing, of course, the Fuehrer and all of us, I, too, stood for was to remove politics from the Church as far as was possible. I did not consider it right, I must frankly say, that on one day the priest in church should humbly concern himself with the spiritual welfare of his flock and then on the following day make a more or less belligerent speech in parliament.

A separation was planned by us, that is to say, the clergy were to concentrate on their own sphere and refrain from becoming involved in political matters. Owing to the fact that we had in Germany political parties with strong church leanings, considerable confusion had arisen here. That is the explanation of the fact that, because of this political opposition that at first played its role in the political field in parliament, and in election campaigns, there arose among certain of our people an antagonistic attitude toward the Church. For one must not forget that such election disputes and speeches often took place before the electors between political

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representatives of our Party and clergymen who represented those political parties which were more closely bound to the Church.

Because of this situation and a certain animosity, it is understandable that a more rabid faction -- if I may use that expression in this connection -- did not forget these contentions and now, on its side, carried the struggle on again on a false level. But the Fuehrer's attitude was that the churches should be given the chance to exist and develop. In a movement and a party which gradually had absorbed more or less the greater part of the German nation, and which now in its active political aspect had also absorbed the politically active persons of Germany, it is only natural that not all the members would be of the same opinion in every respect, despite the Leadership Principle. The tempo, the method, the attitude may be different; and in such large movements, even if they are ever so authoritatively led, certain groups form in response to certain problems. And if I were to name the group which still saw in the Church, if not a political danger, at least an undesirable institution, then I should mention above all two personages: Himmler on one side and Bormann -- particularly later on much more radically than Himmler -- on the other side.

Himmler's motives were less of a political and more of a confused mystical nature. Bormann's aims were much more clearcut. It was clear, too, that from the large group of Gauleiter, one or another might be more keenly interested in this fight against the Church. Thus, there were a number of Gau where everything was in the best of order as far as the Church was concerned, and there were a few others where there was a keen fight against the Church.

I did interfere personally on frequent occasions. First of all, in order to demonstrate my attitude and to create order, I called into the Prussian State Council, as men in whom I had special confidence, a high Protestant and a high Catholic clergyman.

I myself am not what you might call a churchgoer, but I have gone now and then, and have always considered I belonged to the Church and have always had those functions over which the Church presides -- marriage, christening, burial, *et cetera* -- carried out in my house by the Church.

My intention thereby was to show those weak-willed persons who, in the midst of this fight of opinions did not know what they should do, that, if the second man in the State goes to church, is married by the Church, has his child christened and confirmed, *et cetera*, then they can calmly do the same. From the number of letters which I received as the result, I can see that I did the right thing.

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But as time went by, in other spheres as well as this, the situation became more critical. During the early years of the war I spoke to the Fuehrer about it once more and told him that the main concern now was, that every German should do his duty and that every soldier should go to his death, if need be, bravely. If in that connection his religious belief is a help and a support to him, whether he belongs to this or that confession, it can be only an advantage, and any disturbance in this connection could conceivably affect the soldier's inward strength. The Fuehrer agreed absolutely. In the Air Force I deliberately had no chaplains, because I was of the opinion that every member of the Air Force should go to the clergyman in whom he had the most confidence.

This was repeatedly told to the soldiers and officers at roll call. But to the Church itself I said that it would be good if we had a clear separation. Men should pray in church and not drill there; in the barracks men should drill and not pray. In that manner, from the very beginning, I kept the Air Force free from any religious disturbances and I insured complete liberty of conscience for everyone.

The situation became rapidly more critical -- and I cannot really give the reasons for this -- especially in the last 2 or 3 years of the war. It may have something to do with the fact that in some of the occupied territories, particularly in the Polish territory and also in the Czech territory, the clergy were strong representatives of national feeling and this led again to clashes on a political level which were then naturally carried over to religious fields. I do not know whether this was one of the reasons, but I consider it probable. On the whole I should like to say that the Fuehrer himself was not opposed to the Church. In fact, he told me on one occasion that there are certain things in respect to which even as Fuehrer one cannot entirely have one's way if they are still undecided and in need of reform, and that he believed that at the time much was being thought and said about the reorganization of the Church. He said that he did not consider himself destined to be a reformer of the Church and that he did not wish that any of his political leaders should win laurels in this field.

DR. STAHLER: Now, in the course of years, a large number of clergy, both from Germany and especially from the occupied territories -- you yourself mentioned Poland and Czechoslovakia -- were taken to concentration camps. Did you know anything about that?

Goering: I knew that at first in Germany a number of clergymen were taken to concentration camps. The case of Niemoller was common knowledge. I do not want to go into it in detail, because

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it is well known. A number of other clergymen were sent to concentration camps but not until the later years when the fight became more critical, for they made political speeches in the pulpit and criticized measures of the State or the Party; then, according to the severity of this criticism, the police intervened.

I told Himmler on one occasion that I did not think it was wise to arrest clergymen. As long as they talked in church they should say what they wanted, but if they made political speeches outside their churches then he could proceed against them, just as he would in connection with any other people who made speeches hostile to the State. Several clergymen who went very far in their criticism were not arrested. As far as the arrest of clergy from occupied territories is concerned, I heard about it; and I said earlier that this did not occur so much on the religious level just because they were clergymen, but because they were at the same time nationalists -- I understand that from their point of view -- and consequently often involved in actions hostile to the occupying forces.

DR. STAHLER: The Party program included two points, I believe, dealing with the question of the Jews. What was your basic attitude towards this question?

Goering: This question, which has been so strongly emphasized in the Indictment, forces me under all circumstances to interpose certain statements.

After Germany's collapse in 1918 Jewry became very powerful in Germany in all spheres of life, especially in the political, general intellectual and cultural, and, most particularly, the economic spheres. The men came back from the front, had nothing to look forward to, and found a large number of Jews who had come in during the war from Poland and the East, holding positions, particularly economic positions. It is known that, under the influence of the war and business concerned with it -- demobilization, which offered great possibilities for doing business, inflation, deflation -- enormous shifts and transfers took place in the propertied classes.

There were many Jews who did not show the necessary restraint and who stood out more and more in public life, so that they actually invited certain comparisons because of their numbers and the position they controlled in contrast to the German people. In addition there was the fact that particularly those parties which were avoided by nationally minded people also had Jewish leadership out of proportion to the total number of Jews.

That did not apply only to Germany, but also to Austria, which we have always considered a part of Germany. There the entire Social Democratic leadership was almost exclusively in Jewish

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hands. They played a very considerable part in politics, particularly in the left-wing parties, and they also became very prominent in the press in all political directions.

At that time, there thus ensued a continuous uninterrupted attack on everything national, national concepts and national ideals. I draw attention to all the magazines and articles which dragged through the mud things which were holy to us. I likewise call attention to the distortion which was practiced in the field of art in this direction, to plays which dragged the fighting at the front through the mud and befouled the ideal of the brave soldier. In fact I could submit an enormous pile of such articles, books, plays, and so forth; but this would lead too far afield and I am actually not too well informed on the subject. Because of all this, a defense movement arose which was by no means created by National Socialism but which had existed before, which was already strong during the war and which came even more strongly to the fore after the war, when the influence of Jewry had such effects.

Moreover, in the cultural and intellectual sphere also many things which were not in accordance with German feeling came to be expressed. Here, too, there was a great split. In addition there was the fact that in economic matters, if one overlooks the western industry, there was an almost exclusive domination on the part of Jewry, which, indeed, consisted of elements which were most sharply opposed by the old, established Jewish families.

When the movement then drew up its program, which was done by a few simple people -- as far as I know, not even Adolf Hitler himself took part in the drafting of the program, at least not yet as a leader -- the program included that point which played a prominent part as a defensive point among large sections of the German people. Shortly before that there had been the Rate-Republik in Munich and the murder of hostages, and here, too the leaders were mostly Jews. It can be understood, therefore, that a

program drawn up in Munich by simple people quite naturally took this up as a defense point. News also came of a Rate-Republik in Hungary -- again consisting mainly of Jews. All this had made a very strong impression. When the program became known, the Party -- which was at that time extremely small -- was at first not taken seriously and was laughed at. But then, from the very beginning, a concentrated and most bitter attack on the part of the entire Jewish press, or the Jewish-influenced press, was started against the movement. Everywhere Jewry was in the lead in the fight against National Socialism, whether in the press, in politics, in cultural life by making National Socialism contemptible and ridiculous, or in the economic sphere. Whoever was a National Socialist could not get a position; the National Socialist businessman

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could not get supplies or space for advertisements, and so on. All this naturally resulted in a strong defensive attitude on the part of the Party and led from the very beginning to an intensification of the fight, such as had not originally been the intention of the program. For the program aimed very definitely at one thing above all -- that Germany should be led by Germans. And it was desired that the leadership, especially the political shaping of the fate of the German people, should be in the hands of German persons who could raise up the spirit of the German people again in a way that people of a different kind could not. Therefore the main point was at first merely to exclude Jewry from politics, from the leadership of the State. Later on, the cultural field was also included because of the very strong fight which had developed, particularly in this sphere, between Jewry on the one side and National Socialism on the other.

I believe that if, in this connection, many a hard word which was said by us against Jews and Jewry were to be brought up, I should still be in a position to produce magazines, books, newspapers, and speeches in which the expressions and insults coming from the other side were far in excess. All that obviously was bound to lead to an intensification.

Shortly after the seizure of power countless exceptions were made. Jews who had taken part in the World War and who had been decorated were treated differently and shown consideration; they remained unaffected by measures excluding Jews from civil services.

As I have said, the chief aim was to exclude them from the political sphere, then from the cultural sphere.

The Nuremberg Laws were intended to bring about a clear separation of races and, in particular, to do away with the notion of persons of mixed blood in the future, as the term of half Jew or quarter Jew led to continuous distinctions and confusion as far as their position was concerned. Here I wish to emphasize that I personally had frequent discussions with the Fuehrer regarding persons of mixed blood and that I pointed out to the Fuehrer that, once German Jews were clearly separated, it was impossible to have still another category between the two which constituted an unclarified section of the German people, which did not stand on the same level as the other Germans. I suggested to him that, as a generous act, he should do away with the concept of the person of mixed blood and place such people on the same

footing as the other Germans. The Fuehrer took up this idea with great interest and was all for adopting my point of view, in fact, he gave certain preparatory orders. Then came more troubled times, as far as

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foreign policy was concerned -- the Sudeten crisis, Czechoslovakia, the occupation of the Rhineland, and afterward the Polish crisis -- and the question of persons of mixed blood stepped into the background; but at the beginning of the war the Fuehrer told me that he was prepared to solve this matter in a positive, generous fashion, but only after the war.

The Nuremberg Laws were to exclude, for the future, that concept of persons of mixed blood by means of a clear separation of races. Consequently it was provided in the penal regulations of the Nuremberg Laws, that never the woman but always the man should be punishable, no matter whether he was German or Jewish. The German woman or the Jewess should not be punished. Then quieter times came, and the Fuehrer was always of the opinion that for the time being Jews should remain in economy, though not in leading and prominent positions, until a controlled emigration, gradually setting in, then intensified, should solve this problem. In spite of continuous disturbances and difficulties in the economic field, the Jews on the whole remained unmolested in their economic positions.

The extraordinary intensification which set in later did not really start in until after the events of 1933, and then to a still greater extent in the war years. But here, again, there was naturally one more radical group for whom the Jewish question was more significantly in the foreground than it was for other groups of the Movement; just as, as I should like to emphasize at this point, the idea of National Socialism as a philosophy was understood in various ways -- by one person more philosophically, by another mystically, by a third in a practical and political sense. This was also true of the different points of the program. For one person certain points were more important, for another person less so. One person would see in the point of the program which was directed against Versailles and toward a free and strong Germany the main point of the program; another person, perhaps, would consider the Jewish question the main point.

THE PRESIDENT: Would that be a convenient time to break off? Dr. Stahmer, can you inform the Tribunal how much longer you think the Defendant Goering's examination will last?

DR. STAHLER: I think that we shall finish in the course of tomorrow morning.

THE PRESIDENT: That is a very long time.

DR. STAHLER: I shall do my best to shorten it.

*[A recess was taken.]*

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DR. STAHLER: To what extent did you participate in the issuing of the Nuremberg Laws of 1935?

Goering: In my capacity as President of the Reichstag I announced those laws and the law concerning the new Reich flag simultaneously here in Nuremberg when the Reichstag was meeting at that time.

DR. STAHLER: In the Indictment it says that the destruction of the Jewish race was part of the planning of aggressive wars.

Goering: That has nothing to do with the planning of aggressive wars; also, the destruction of the Jewish race was not planned in advance.

DR. STAHLER: Were you a party to the action against the Jews in the night of 9-10 November 1938?

Goering: I should like to discuss that briefly. I gathered yesterday, from the cross-examination of the witness Korner, that a misunderstanding had arisen in regard to this. On 9 November the march to the Feldherrnhalle took place. This march was repeated every year and for this occasion the prominent leaders of the movement gathered. Korner referred to that when he said that everybody came to Munich. It was customary, after the march was over, for practically everybody to meet at the Munich City Hall for a dinner, at which the Fuehrer was also present.

I never attended that dinner in any of the years in question, as I used to utilize my stay in Munich by attending to various other matters in the afternoon of that day. I did not take part in the dinner on this occasion either, nor did Korner. He and I returned in my special train to Berlin in the evening. As I heard later, when the investigation was carried out, Goebbels announced at that dinner, after the Fuehrer had left, that the seriously wounded counsellor of the Embassy in Paris had died of his wounds. There was a certain amount of excitement and then Goebbels, apparently spoke some words about retaliation and in his way -- he was probably the very strongest representative of anti-Semitism -- must have brought on this development of events; but that was after the Fuehrer had left.

I myself, in fact, heard of the events upon my arrival in Berlin. First of all the conductor in my car told me that he had seen fires in Halle. Half an hour later I called my adjutant, who reported to me that riots had taken place during the night, that Jewish stores had been broken into and plundered and that synagogues had been set on fire. He did not know any more about it himself.

I proceeded to my apartment and at once had a call put through to the Gestapo. I demanded a report of the events of that night. That is the report which has been referred to here and which was made to me by the Chief of the Gestapo, Heydrich, concerning the

events, as much as he knew about them at that time; that was the evening of the following day, I believe. The Fuehrer, too, arrived in Berlin in the course of the morning. Having in the meantime heard that Goebbels had at least played an important part as instigator, I told the Fuehrer that it was impossible for me to have such events taking place at this particular time. I was making every effort, in connection with the Four Year Plan, to concentrate the entire economic field to the utmost. I had, in the course of speeches to the nation, been asking for every old toothpaste tube, every rusty nail, every bit of scrap

material to be collected and utilized. It could not be tolerated that a man who was not responsible for these things should upset my difficult economic tasks by destroying so many things of economic value on the one hand and by causing so much disturbance in economic life on the other hand.

The Fuehrer made some apologies for Goebbels, but on the whole he agreed that such events were not to take place and must not be allowed to take place. I also pointed out to him, that such a short time after the Munich agreement such matters would also have an unfavorable effect on foreign policy.

In the afternoon I had another discussion with the Fuehrer. In the meantime Goebbels had been to see him. The latter I had told over the telephone in unmistakable terms, and in very sharp words, my view of the matter. I told him then, with emphasis, that I was not inclined to suffer the consequences of his uncontrolled utterances, as far as economic matters were concerned.

In the meantime the Fuehrer, influenced by Goebbels, had somewhat changed his mind. Just what Goebbels told him and to what extent he referred to the excitement of the crowd, to urgently needed settlements, I do not know. At any rate, the Fuehrer's views were not the same as they were on the occasion of my first complaint.

While we were talking, Goebbels, who was in the house, joined us and began his usual talk: that such things could not be tolerated; that this was the second or third murder of a National Socialist committed abroad by a Jew. It was on that occasion that he first made the suggestion that a fine should be imposed. Indeed, he wished that each Gau should collect such a fine and he named an almost incredibly high sum.

I contradicted him and told the Fuehrer that, if there was to be a fine, then the Reich alone should collect it, for, as I said, Herr Goebbels had the most Jews right here in Berlin and would therefore not be a suitable person for this, since he was the most interested party. Apart from that, if such measures were to be taken, then only the sovereign State had the right to take them.

After a short discussion, this way and that, about the amount, 1,000,000,000 was agreed upon. I pointed out to the Fuehrer that

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under certain circumstances that figure would have repercussions on the tax returns. The Fuehrer then expressed the wish and ordered that the economic solution also be carried through now. In order that there should be no further occasion for such events, businesses obviously Jewish and known to be Jewish were first of all to be Aryanized, in particular the department stores. These were often a source of friction, as the officials and employees from the ministries, who could shop only between 6 and 7 in the evening, often went to these stores and had difficulties. He ordered, in general terms, what should be done.

Thereupon I called the meeting of 12 November with those departments which had jurisdiction over these matters. Unfortunately, the Fuehrer had demanded that Goebbels should be represented on this commission -- actually a commission was to be appointed. He was, in fact, present, although I

maintained that he had nothing to do with economic questions. The discussion was very lively. We were all irritated at this meeting. Then I had the economic laws drafted and later I had them published.

I rejected other proposals which lay outside the economic sphere, such as restriction of travel, restriction of residence, restriction in regard to bathing resorts, *et cetera*, as I was not competent to deal with these things and had not received any special orders. These were issued later on by the police authorities, and not by me; but through my intervention various mitigations and adjustments were made.

I should like to point out that although I received oral and written orders and commands from the Fuehrer to issue and carry out these laws, I assume full and absolute responsibility for these laws which bear my signature; for I issued them and consequently am responsible, and do not propose to hide in any way behind the Fuehrer's order.

DR. STAHLER: Another matter. What were the reasons for the refusal to take part in the Disarmament Conference and for the withdrawal from the League of Nations?

Goering: The chief reasons for that were, first of all, that the other states who, after the complete disarming of Germany, were also bound to disarm, did not do so. The second point was that we also found a lack of willingness to meet in any way Germany's justified proposals for revisions; thirdly, there were repeated violations of the Treaty of Versailles and of the Covenant of the League of Nations by other states, Poland, Lithuania, *et cetera*, which were at first censured by the League of Nations, but which were then not brought to an end, but were rather accepted as accomplished facts; fourthly, all complaints by Germany regarding

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questions of minorities were, indeed, discussed, and well-meaning advice was given to the states against which the complaints had been brought, but nothing was actually done to relieve the situation.

Those are the reasons for leaving the League of Nations and the Disarmament Conference.

DR. STAHLER: Why did Hitler decide to rearm and reintroduce compulsory service?

Goering: When Germany left the League of Nations and the Disarmament Conference, she simultaneously announced to the leading powers concerned her definite decision to aim at universal disarmament. The Fuehrer then made various proposals which, it can be assumed, are historically known: restriction of active armed forces to a certain number of men; restriction of weapons to be used; abolishing of certain weapons as, for example, bombers; and various other points. Each one of these proposals was rejected, however, and did not reach a general realization, nor were even discussed.

When we and the Fuehrer recognized clearly that the other parties did not think of disarming and that, on the contrary, that mighty power to the east of us in particular, Russia, was carrying out an armament program as never before, it became necessary for us, in order to safeguard the most vital interests of the German people, their life and their security, to free ourselves from all ties and to rearm to such an extent

as was now necessary for the interests and security of the Reich. That was the first reason for the necessity of reintroducing compulsory service.

DR. STAHLER: To what extent did the Luftwaffe participate in this rearmament?

Goering: In 1933, when I founded the Air Ministry, we had not yet gone into the question of rearmament. In spite of that I did arrange for certain basic conditions. I immediately extended manufacture and increased air traffic beyond the extent of necessary traffic, so as to be able to train a larger number of pilots. At that time I took over a number of young people, lieutenants, cadets, who then had to leave the Wehrmacht in order to take up commercial flying and there to learn to fly.

I was aware from the beginning that protection in the air was necessary as one of the most essential conditions for the security of my nation. Originally it was my belief that a defensive air force, that is, a fighter force, might suffice; but upon reflection I realized -- and I want to underline what witness Field Marshal Kesselring said on that subject -- that one would be lost with merely a fighter force for defense purposes and that even a defensive force must contain

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bombers in order that it can be used offensively against the enemy air force on enemy territory.

Therefore I had bomber aircraft developed from commercial airplanes. In the beginning rearmament proceeded slowly. Everything had to be created anew since nothing existed in the way of air armament.

In 1935 I told the Fuehrer that I now considered it proper, since we had repeatedly received refusals in answer to our proposals, to declare to the world openly that we were creating an air force, and that I had already established a certain basis for that. This took place in the form of an interview which I had with a British correspondent.

Now I could proceed to rearm on a larger scale; but in spite of that we confined ourselves at first to what we called a "Risk Air Force," that is a risk insofar as an enemy coming to attack Germany should know that he could expect to meet with an air force. But it was by no means strong enough to be of any real importance.

In 1936 followed the famous report, which was presented to the witness Bodenschatz, in which I said that we must from this moment on work on the basis of mobilization, that money mattered nothing, and that, in short, I should take the responsibility for overdrawing the budget.

Since nothing had existed before, I should be able to catch up quickly only if aircraft production on one hand were made to work with as many shifts and as much speed as possible, that is with maximum effort and on a mobilization basis, and if, on the other hand, extension of the ground forces and similar matters was carried out at once with the greatest possible speed.

The situation in 1936 is defined by me, in that report to my co-workers, as serious. Other states had, to be sure, not disarmed, but here and there they had perhaps neglected their air force and they were

catching up on lost ground. Violent debates were taking place in England with regard to modernizing and building up the air force; feverish activities were taking place in Russia, concerning which we had reliable reports -- I shall refer to the question of Russian reannament later.

When the Civil War broke out in Spain, Franco sent a call for help to Germany and asked for support, particularly in the air. One should not forget that Franco with his troops was stationed in Africa and that he could not get the troops across, as the fleet was in the hands of the Communists, or, as they called themselves at the time, the competent Revolutionary Government in Spain. The decisive factor was, first of all, to get his troops over to Spain.

The Fuehrer thought the matter over. I urged him to give support under all circumstances, firstly, in order to prevent the further-

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spread of communism in that theater and, secondly, to test my young Luftwaffe at this opportunity in this or that technical respect.

With the permission of the Fuehrer, I sent a large part of my transport fleet and a number of experimental fighter units, bombers, and antiaircraft guns; and in that way I had an opportunity to ascertain, under combat conditions, whether the material was equal to the task. In order that the personnel, too, might gather a certain amount of experience, I saw to it that there was a continuous flow, that is, that new people were constantly being sent and others recalled.

The rearming of the Air Force required, as a basic condition, the creation of a large number of new industries. It was no help to me to build a strong Air Force and not to have any gasoline for it. Here, too, therefore, I had to speed up the development of the refineries to the utmost. There were other auxiliary industries, above all, aluminum. Since I considered the Luftwaffe the most important part of the Wehrmacht, as far as the security of the Reich was concerned, and, in view of the modernization of technical science, it was my duty as Commander-in-Chief to do everything to develop it to the highest peak; and, too, as nothing was there to begin with, a supreme effort and a maximum amount of work had to be achieved. That I did.

Much has been said here in a cross-examination about four-engine bombers, two-engine bombers, *et cetera*. The witnesses made statements to the best of their knowledge and ability, but they were familiar only with small sections and they gave their opinions from that point of view. I alone was responsible and am responsible, for I was Commander-in-Chief of the Luftwaffe and Minister for Air. I was responsible for the rearmament, the training and the morale of the Luftwaffe.

If at the beginning I did not build any four-engine bombers, it was not because I had qualms that they might be construed as an aggressive force. That would not have disturbed me for one minute. My only reason was that the necessary technical and production conditions did not exist. That kind of bomber simply had not yet been developed by my industry, at any rate not so that I could use it. Secondly, I was still short of aluminum, and anyone only half an expert knows how much aluminum a four-engine

bomber swallows up and how many fighters, that is, two-engine bombers, one can build with the same amount.

To start with, I had to ascertain who were likely to be Germany's opponents in a war. Were the technical conditions adequate for meeting an attack against Germany by such an enemy? Of all possible opponents I considered Russia the main opponent, but of

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course England, France, and Italy also had to be considered. It was my duty to consider all possibilities.

As far as the European theater of war was concerned, I could, for the time being, be satisfied with bombers which could operate against the important centers of enemy armament industry. Thus, for the time being, I did not need anything more than aircraft which would enable me to do that, but it was important to have more of that kind.

But in a speech to the aircraft industrialists I let it be clearly known that I desired most urgently to have a bomber which, loaded with the necessary bombs, could fly to America and back. I asked them to work on that diligently so that, if America should enter into war against Germany, I could also reach the American armament industry. It was not a question, therefore, of not wanting them. I even, as far as I remember, inaugurated a prize competition for bombers capable of flying at great heights and at great speeds over large distances. Even before the beginning of the war we had begun to develop propellerless aircraft.

Summing up, I should like to say that I did everything possible under the technical and production conditions then prevalent, to rebuild and rearm a strong Air Force. The technical knowledge of that time led us to believe that, after 5 years of war, new technical and practical advances would be made. That is a principle based on experience. I wanted to be prepared to have an Air Force which, however the political situation might develop, would be strong enough to protect the nation and to deal blows to Germany's enemy. It is perfectly correct for Mr. Justice Jackson to ask whether the speedy elimination of Poland and France was due to the fact that the German Air Force, acting according to modern principles, contributed so much. It was the decisive factor. On the other hand, though this does not concern me, the use of the American air force was also a decisive factor for the Allied victory.

DR. STAHLER: Has the fact that you were given control of raw materials already in April 1936 anything to do with this rebuilding of the Air Force?

Goering: I need not repeat what the witness Korner elaborated yesterday, or the day before yesterday, with regard to my gradual rise in economic leadership. The starting point was the agricultural crisis in the year of 1935. In the summer of 1936 the then Minister of War, Von Blomberg, the Minister of Economy and President of the Reichsbank, Schacht, and Minister Kerrl came to me and asked me whether I was prepared to back a suggestion of theirs which they wanted to submit to the Fuehrer, namely, that I be appointed Commissioner for Raw Materials and Foreign Exchange. It was

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agreed that I should not function as an economics expert, which I was not; but some one was needed to take care of the difficulties due to shortage of foreign currency, which continuously arose because of our heavy demands, and at the same time to make available and accumulate raw materials -- someone who was capable of taking measures which would perhaps not be understood by many people, but would have the weight of his authority. Secondly, it was decided that in this sphere, though not as an expert, I should be the driving power and use my energy.

Minister Schacht, who was the expert, had difficulties with the Party. He was not a member of the Party. He was at that time on excellent terms with the Fuehrer and me, but not so much with the members of the Party. The danger arose that the appropriate measures might not be understood by the latter, and in this connection I would be the right man to make these things known to the people and the Party.

That is how that came about. But since I, as Minister of Air was, as I have explained, interested in raw materials, I played an ever increasingly important role. Then the differences between agriculture and economy in regard to foreign currency came more to the fore, so that I had to make decisions, decisions which became more drastic. Thus I entered the field of economic leadership. I devoted a great deal of time and work to this task, particularly to procuring the raw materials necessary for economy and for rearmament. Out of this the Four Year Plan arose which gave me far-reaching plenary powers.

DR. STAHLER: What was the aim of the Four Year Plan?

Goering: The Four Year Plan had two aims: First, that German economy as far as possible and particularly in the agricultural sector, should be made secure against any crisis; secondly, in the event of war, Germany should be able to withstand a blockade to the greatest extent possible. Therefore it was necessary, first, to increase agriculture to the utmost, to control and direct it, to control consumption, and to store up supplies by means of negotiations with foreign countries; secondly, to ascertain which raw materials, imported until then, could be found, produced, and procured in Germany itself, and which raw materials that were difficult to import could be replaced by others more easily obtainable. Briefly, as far as the agricultural sphere was concerned: utilization of every available space; regulation of cultivation according to the crops needed; control of animal breeding; building up of reserves for times of need or crop failures; as far as the industrial sector was concerned, the creation of industries supplying raw materials: First, coal -- although there was sufficient coal, its production would have

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to be increased considerably, since coal is the basic raw material on which so many other things are dependent; iron-our mining industry had made itself so dependent on foreign countries that, in the event of a crisis, a most disastrous situation might arise here. I can quite understand that from the purely financial and business point of view that was all right but, nevertheless, we should have to mine and

make available the German iron ores which were at our disposal, even though they were inferior to the Swedish ores; we should have to compel industry to make alloys and manage with German ores.

I recklessly allowed industry a year's time. As industry by then had still not begun to exploit these ores, I founded the Reich works which were given my name. They were primarily for opening up iron-ore reserves in German soil and using them in the mining industry. It was necessary to set up oil refineries, aluminum works and various other works, and then to promote the development of the so-called synthetic material industry in order to replace necessary raw materials which could be obtained only from abroad and under difficult circumstances. In the field of textiles this involved the conversion of the textile industry and of I. G. Farben.

That, roughly, was the task of the Four Year Plan.

Naturally a third question is of importance in this connection: the question of labor. Co-ordination was necessary here too. The most important industries had to have workers; less important industries had to dispense with them. The control of this allocation of labor, which before the war functioned only within Germany, was another task of the Four Year Plan and the Department for the Allocation of Labor.

The Four Year Plan as such very quickly assumed too large proportions as an official organization. Then, after Schacht had left, I took over the Ministry of Economy for 2 months and fitted the Four Year Plan into it. I retained only a very small staff of collaborators and carried out the tasks with the assistance of the ministries competent to deal with these things.

DR. STAHLER: Was the purpose of carrying out these plans that of preparing for aggressive war?

Goering: No, the aim of the plans was, as I said, to make Germany secure against economic crises, and to make her secure against a blockade in the event of war, and, of course, within the Four Year Plan to provide the necessary conditions for rearmament. That was one of its important tasks.

DR. STAHLER: How did the occupation of the Rhineland come about?

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Goering: The occupation of the Rhineland was not, as has been asserted here, a long-prepared affair. What had been discussed previously did not deal with the occupation of the Rhineland, but with the question of mobilization measures in the Rhineland in case of an attack on Germany.

The Rhineland occupation came about for two reasons. The balance which was created through the Locarno Pact had been disturbed in western Europe, because a new factor had arisen in France's system of allies, namely Russia, who even at that time had an extraordinarily large armed force. In addition, there was the Russian-Czechoslovakian mutual assistance pact. Thus, the conditions upon which the Locarno Pact had been based no longer existed, according to our way of thinking. So, there was now such a threat to Germany, or the possibility of such a threat, that it would have been a neglect of duty and honor on the part of the Government if it had not done everything to ensure, here also, the security of the Reich. The Government therefore -- as a sovereign state -- made use of its sovereign right and

freed itself from the dishonorable obligation not to place a part of the Reich under its protection, and it did place this important part of the Reich under its protection by building strong fortifications.

The construction of such strong fortifications, such expensive fortifications and such extensive fortifications, is justified only if that frontier is regarded as final and definitive. If I had intended to extend the frontier in the near future, it would never have been possible to go through with an undertaking so expensive and such a burden to the whole nation as was the construction of the West Wall. This was done -- and I want to emphasize this particularly -- from the very beginning only in the interest of defense and as a defensive measure. It made the western border of the Reich secure against that threat which, because of the recent shift of power, and the new combination of powers such as the Franco-Russian mutual assistance pact, had become a threat to Germany. The actual occupation, the decision to occupy the Rhineland, was made at very short notice. The troops which marched into the Rhineland were of such small numbers -- and that is an historical fact -- that they provided merely a token occupation. The Luftwaffe itself could not, for the time being, enter the Rhine territory on the left at all, since there was no adequate ground organization. It entered the so-called demilitarized territory on the right of the Rhine, Dusseldorf and other cities. In other words, it was not as if the Rhineland were suddenly occupied with a great wave of troops; but, as I said before, it was merely that a few battalions and a few batteries marched in as a symbol that the Rhineland was now again under the full sovereignty of the sovereign German Reich and would in the future be protected accordingly.

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DR. STAHLER: What were Hitler's aims when he created the Reich Defense Council and when he issued the Reich Defense Law?

Goering: The Reich Defense Council, during the last months, played a very important role here. I hope I shall not be misunderstood; I believe that during these months more has been said about it than was ever said since the moment of its creation. In the first place it is called Reich Defense Council and not Reich Council for the Offensive. Its existence is taken for granted. It exists in every other country in some form or other, even if it has another name. First of all, there was a Reich Defense Committee already, before our seizure of power. In this committee there were official experts from all the ministries for the purpose of carrying out mobilization preparations or, better said, mobilization measures, which automatically come into consideration in any kind of development -- war, the possibility of war, the facts of war involving bordering states and the subsequent need to guard one's neutrality. These are the usual measures to be taken -- to ascertain how many horses have to be levied in case of mobilization, what factories have to be converted, whether bread ration cards and fat ration cards have to be introduced, regulation of traffic, *et cetera* -- all these things need not be dealt with in detail, because they are so obvious.

All such discussions took place in the Reich Defense Committee discussions by the official experts presided over by the then chief of the ministerial office in the Reich Ministry of War, Keitel. The Reich Defense Council was created, for the time being, as a precautionary measure, when the armed forces

were re-established, but it existed only on paper. I was, I think, Deputy Chairman or Chairman -- I do not know which -- I heard it mentioned here. I assure you under oath that at no time and at no date did I participate in a meeting at which the Reich Defense Council as such was called together. These discussions, which were necessary for the defense of the Reich, were held in a completely different connection, in a different form and depended on immediate needs. Naturally, there were discussions about the defense of the Reich, but not in connection with the Reich Defense Council. This existed on paper, but it never met. But even if it had met, that would have been quite logical, since this concerns defense and not attack. The Reich Defense Law, or rather the Ministerial Council for the Reich Defense, which is probably what you mean, was created only one day before the outbreak of the war, since the Reich Defense Council actually did not exist. This Ministerial Council for Reich Defense is not to be considered the same as, for instance, the so-called War Cabinet that was formed in England when the war broke out, and perhaps in other countries. On the contrary, this Ministerial Council for the

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Reich Defense was -- by using abbreviated procedure -- to issue only the regulations necessary for wartime, laws dealing with daily issues, explanations to the people, and it was to relieve the Fuehrer to a considerable extent, since he had reserved for himself the leadership in military operations. The Ministerial Council therefore issued, first of all, all those laws which, as I should like to mention, are to be expected in any country at the beginning of a war. In the early period it met three or four times, and after that not at all. I, too, had no time after that. To abbreviate the procedure, these laws were circulated and then issued. One, or one and a half years afterwards -- I cannot remember the exact time -- the Fuehrer took the direct issuance of laws more into his own hands. I was the co-signer of many laws in my capacity as Chairman of this Ministerial Council. But that, too, was practically discontinued in the latter years. The Ministerial Council did not meet again at all after 1940, I think.

DR. STAHLER: The Prosecution has presented a document, Number 2261-PS. In this document a Reich Defense Law of 21 May 1935 is mentioned, which for the time being was kept in abeyance by order of the Fuehrer. I shall have that document shown to you and I ask you to give your views on it?

Goering: I am familiar with it.

DR. STAHLER: Would you please state your views?

Goering: After the Reich Defense Council had begun to exist, a Reich Defense Law was provided in 1935 for the event of a mobilization. The agreement or, better said, decision, was made by the Reich Cabinet and this law was to be applied and became effective in the case of a mobilization. Actually it was replaced when mobilization did come about, by the law I have mentioned regarding the Ministerial Council for the Reich Defense. In this law, before the time of the Four Year Plan, that is 1935, a Plenipotentiary for Economy was created, at first for the event of a mobilization, and a Plenipotentiary for Administration; so that if war occurred, then all the departments of the entire administration would be concentrated under one minister and all the departments concerned with economy and armament

were likewise to be concentrated under one minister. The Plenipotentiary for Administration did not function before mobilization. The Plenipotentiary for Economy, on the other hand -- this title was not to be made known to the public -- was to begin his tasks immediately. That was indeed necessary. This is perhaps the clearest explanation of the fact that the creation of the Four Year Plan necessarily led to clashes between the Plenipotentiary for Economy and the Delegate for the Four Year Plan, since both of them were more or less working on

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the same or similar tasks. When, therefore, in 1936, I was made Delegate for the Four Year Plan, the activities of the Plenipotentiary for Economy practically ceased.

DR. STAHLER: Mr. President, ought I to stop now with the questioning?

THE PRESIDENT: Yes, I think that would be a good time.

*[The Tribunal recessed until 1400 hours.]*

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### ***Afternoon Session***

DR. STAHLER: A word has been repeatedly used here: Reich Research Council (Reichsforschungsrat). What kind of institution was that?

Goering: I believe it was in the year 1943 that I received the order to concentrate the entire field of German research, particularly insofar as it was of urgent importance to the conduct of war.

Unfortunately, that was done much too late. The purpose was to avoid parallel research and useless research, to concentrate research on problems important for the war. I myself became President of the Reich Research Council and established directives for research according to the purpose mentioned.

DR. STAHLER: Did this have any connection with the Research Office of the Air Force?

Goering: No, the Research Office of the Air Force was entirely different, and it had nothing to do with either research on the one hand or the Air Force on the other hand. The expression was a sort of camouflage, for, when we came to power, there was considerable confusion on the technical side of control of important information. Therefore, I established for the time being the Research Office, that was an office where all technical devices for the control of radio, telegraph, telephone, and all other technical communications could be provided. Since I was then only Reich Minister for Air I could do this within only my own ministry and therefore used this camouflaged designation. This machinery served to exert control above all over foreign missions, and important persons, who had telephone, telegraph, and radio connections with foreign countries, as is customary everywhere in all countries, and then to decipher the information thus extracted and put it at the disposal of other departments. The office had no agents, no intelligence service, but was a purely technical office intercepting wireless

messages, telephone conversations, and telegrams, wherever it was ordered, and passing on the information to the offices concerned. In this connection I may say that I have also read much about those communications made by Mr. Messersmith, which figured here. He was at times the main source for such information..

DR. STAHLER: What was the purpose and importance of the Secret Cabinet Council which was created a short time after the seizure of power?

Goering: In February 1938 there came about the retirement of the War Minister, Field Marshal Von Blomberg. Simultaneously, because of particular circumstances, the Commander-in-Chief of the Army, Colonel General Von Fritsch, retired, that is to say, the

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Fuehrer dismissed him. The coincidence of these retirements or dismissals was, in the eyes of the Fuehrer, disadvantageous to the prestige of the Wehrmacht. He wanted to divert attention from this change in the Wehrmacht by means of a general reshuffling. He said he wanted above all to change the Foreign Office because only such a change would make a strong impression abroad and would be likely to divert attention from the military affairs. At the time I opposed the Fuehrer very strongly about this. In lengthy, wearisome personal conversations I begged him to refrain from a change in the Foreign Office. He thought, however, that he would have to insist upon it.

The question arose as to what should be done after Herr Von Neurath's retirement or after the change. The Fuehrer intended to keep Herr Von Neurath in the Cabinet by all means for he had the greatest personal esteem for him. I myself have always expressed my respect for Herr Von Neurath. In order to avoid a lowering of Herr Von Neurath's prestige abroad, I myself was the one to make a proposal to the Fuehrer. I told him that in order to make it appear abroad that Von Neurath had not been entirely removed from foreign policy, I would propose to appoint him chairman of the Secret Cabinet Council. There was, to be sure, no such cabinet in existence, but the expression would sound quite nice, and everyone would imagine that it meant something. The Fuehrer said we could not make him chairman if we had no council. Thereupon I said, "Then we shall make one," and offhand I marked down names of several persons. How little importance I attached to this council can be seen in the fact that I myself was, I think, one of the last on that list.

Then, for the public at large the council was given out to be an advisory council for foreign policy. When I returned I said to my friends, "The affair has gone off all right, but if the Fuehrer does not ask the Foreign Minister for advice, he certainly will not ask a cabinet council for advice on foreign policy; we will not have anything to do with it!" I declare under oath that this Cabinet Council never met at all, not even for a minute; there was not even an initial meeting for laying down the rules by which it should function. Some members may not even have been informed that they were members.

DR. STAHLER: When was the Reich Cabinet in session last?

Goering: As far as I remember, the last meeting of the Reich Cabinet was in 1937, and, as far as I can remember, I presided over the last meeting, the Fuehrer having left shortly after the beginning. The Fuehrer did not think much of Cabinet meetings; it was too large a circle for him, and perhaps there was too much discussion of his plans, and he wanted that changed.

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From that time on, there were only individual conferences -- conferences with single ministers or with groups of ministers from the ministries concerned. But since the ministers found, very rightly, that this made their work difficult, a solution was adopted whereby I, under the title of the Four Year Plan, called the ministers together more frequently, in order to discuss general matters with them. But at no time in the Cabinet or the Ministerial Council was any political decision of importance mentioned or discussed, as, for instance, those decisions -- the annexation of Austria, the Sudetenland, and Czechoslovakia -- which finally led to war. I know how much importance the Fuehrer attached to the fact that in all these matters only those ministers should be informed who absolutely had to be informed, because of the nature of their work, and that only at the very last minute. Here too, I can say under oath that quite a number of ministers were not informed about the beginning of the war or the march into Czechoslovakia, the Sudetenland, or Austria until the next morning, when they learned about it by radio or through the press, just as any other German citizen.

DR. STAHLER: What part did you have in making the Munich Pact of September 1938?

Goering: The incorporation of the Sudeten Germans or, better said, the solution of the Sudeten German problem I had always emphasized as being something that was necessary. I also told the Fuehrer after the Anschluss of Austria that I should regret it if his statements were misunderstood to mean that with the Anschluss of Austria this question had been settled.

In November 1937, I stated to Lord Halifax that the Anschluss of Austria, the solution of the Sudeten German question in the sense of a return of the Sudeten Germans, and the solution of the problem of Danzig and the Corridor were integral parts of German policy. Whether they were tackled by Hitler one day, or by me or somebody else the next day, they would still remain political aims which under all circumstances would have to be attained sometime. However, both of us agreed that all efforts should be made to achieve that without resorting to war.

Furthermore, in my conversations with Mr. Bullitt I had always taken up the very same position. And I told every other person, publicly and personally, that these three points had to be settled and that the settlement of the one would not make the others unimportant.

I also want to stress that, if in connection with this, and also in connection with other things, the Prosecution accuses us of not having kept this or that particular promise that Germany had made in the past, including the Germany that existed just before the

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seizure of power, I should like to refer to the many speeches in which both the Fuehrer -- this I no longer remember so well -- and I, as I know very well, stated that we warned foreign countries not to make any plans for the future on the basis of any promises made by the present government, that we would not recognize these promises when we acquired power. Thus there was absolute clarity in respect to this.

When the Sudeten question approached a crisis and a solution was intended by the Fuehrer, I, as a soldier and Commander-in-Chief of the Luftwaffe, as was my duty, took the preparatory measures, ordered for any eventuality. As a politician I was extremely happy at the attempts which were made to find a peaceful solution. I acknowledge that at that time I was very glad when I saw that the British Prime Minister was making every possible effort. Nevertheless, the situation on the day before the Munich agreement had again become very critical.

It was about 6:30 or 7 o'clock in the morning when the Italian Ambassador, Attolico, rang me up and said that he had to see me immediately on orders from Mussolini, that it was about the solution of the Sudeten problem. I told him he should go and see the Foreign Minister. He said he had a special order from Mussolini to see me alone first. I met him, as far as I remember, at 9 o'clock in the morning, and there he suggested that Mussolini was prepared to mediate; that a meeting should be called as soon as possible between Germany (Adolf Hitler), England (Prime Minister Chamberlain), France (Premier Daladier), and Italy (Mussolini), in order to settle the question peacefully. He, Mussolini, saw a possibility of that and was prepared to take all necessary steps and asked me personally to use all my influence in that direction. I took the Ambassador, and also Herr Von Neurath although he was not Foreign Minister at that time, at once to the Reich Chancellery and reported everything to the Fuehrer, tried to persuade him, explained to him the advantages of such a step and said that this could be the basis for a general easing of tension. Whether the other current political and diplomatic endeavors would be successful one could not yet say, but if four leading statesmen of the four large western European powers were to meet, then much would be gained by that.

Herr Von Neurath supported my argument, and the Fuehrer agreed and said we should call the Duce by telephone. Attolico, who waited outside, did that immediately, whereupon Mussolini called the Fuehrer officially and matters were agreed and Munich decided upon as the place.

Late in the afternoon I was informed by the Italian Embassy that both the British Prime Minister and the French Prime Minister had agreed to arrive at Munich the next day.

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I asked the Fuehrer, or rather, I told him, that under all circumstances I would go along. He agreed. Then I suggested that I could also take Herr Von Neurath with me in my train. He agreed to that also. I took part in some of the discussions and, when necessary, contributed to the settlement of many arguments and, above all, did my best to create a friendly atmosphere on all sides. I had personal

conversations with M. Daladier and Mr. Chamberlain, and I was sincerely happy afterwards that everything had gone well.

DR. STAHLER: Before that, the Anschluss of Austria with Germany had taken place. What reasons did Hitler have for that decision, and to what extent did you play a part in those measures?

Goering: I told the Tribunal yesterday, when I gave a brief outline of my life, that I personally felt a great affinity for Austria; that I had spent the greater part of my youth in an Austrian castle; that my father, even at the time of the old empire, often spoke of a close bond between the future of the German motherland of Austria and the Reich, for he was convinced that the Austrian Empire would not hold together much longer.

In 1918 while in Austria for 2 days, having come by plane, I saw the revolution and the collapse of the Hapsburg Empire take place. Those countries, with a predominantly German population, including Sudeten Germany, convened at that time in Vienna in the Parliament. They declared themselves free of the dissolved Hapsburg State and declared, including the representatives of Sudeten Germany, Austria to be a part of the German Reich. This happened, as far as I know, under the Social Democratic Chancellor, Renner. This statement by the representatives of the Austrian-German people that they wanted to be a part of Germany in the future was changed by the peace treaty of St. Germain and prohibited by the dictate of the victorious nations. Neither for myself nor for any other German was that of importance.

The moment and the basic conditions had of course to be created for a union of the two brother nations of purely German blood and origin to take place. When we came to power, as I have said before, this was naturally an integral part of German policy.

The assurances which Hitler gave at that time regarding the sovereignty of Austria were no deception; they were meant seriously. At first he probably did not see any possibility. I myself was much more radical in this direction and I asked him repeatedly not to make any definite commitments regarding the Austrian question. He believed, however, that he had first of all to take Italy into consideration.

It was evident, especially after the National Socialist Party in Germany had come to power, that the National Socialist Party in

Austria was also growing more and more. This party, however, had existed in Austria even before the seizure of power in Germany, just as the origin of the National Socialist Workers Party goes back to Sudeten Germany. The Party in Austria was therefore not a Fifth Column for the Anschluss, because the Austrian people themselves originally wanted and always wanted the Anschluss. If the idea of the Anschluss did not figure so clearly and strongly in the Austrian Government of that time, it was not because it did not want to be joined to Germany, but because the National Socialist form of government was not compatible in any way with the form of government in Austria at that time.

Thus there resulted that tension, first in Austria itself, which has repeatedly been mentioned by the Prosecution in its charges. This tension was bound to come because the National Socialists took the idea of the Anschluss with Germany more seriously than the Government did. This resulted in political strife between the two. That we were on the side of the National Socialists as far as our sympathies were concerned is obvious, particularly as the Party in Austria was severely persecuted. Many were put into camps, which were just like concentration camps but had different names.

At a certain time the leader of the Austrian Party was a man by the name of Habicht from Wiesbaden. I did not know him before; I saw him only once there. He falsely led the Fuehrer to believe, before the so-called Dollfuss case, that the Austrian armed forces were prepared to undertake something independently in order to force the government to accept the Anschluss, or else they would overthrow it. If this were the case, that the Party in Austria was to support whatever the armed forces undertook along those lines, then, so the Fuehrer thought, it should have the political support of the Party in Germany in this matter. But the whole thing was actually a deception, as it was not the Austrian Army which intended to proceed against the Austrian Government but rather a so-called "Wehrmacht Standarte," a unit which consisted of former members, and released or discharged members, of the Austrian Army who had gone over to the Party or joined it.

With this deceptive maneuver Habicht then undertook this action in Vienna. I was in Bayreuth with the Fuehrer at the time. The Fuehrer called Habicht at once and reproached him most severely and said that he had falsely informed him, tricked him and deceived him.

He regretted the death of Dollfuss: very much because politically that meant a very serious situation as far as the National Socialists were concerned, and particularly with regard to Italy. Italy mobilized five divisions at that time and sent them to the Brenner Pass. The

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Fuehrer desired an appeasement which would be quick and as sweeping in its effect as possible. That was the reason why he asked Herr Von Papen to go as an extraordinary ambassador to Vienna and to work for an easing of the atmosphere as quickly as possible.

One must not forget the somewhat absurd situation which had developed in the course of years, namely, that a purely German country such as Austria was not most strongly influenced in governmental matters by the German Reich but by the Italian Government. I remember that statement of Mr. Churchill's, that Austria was practically an affiliate of Italy.

After the action against Dollfuss, Italy assumed a very standoffish attitude toward Germany and made it clear that Italy would be the country which would do everything to prevent the Anschluss. Therefore, besides the internal clearing up of Germany's relations with Austria by Herr Von Papen, the Fuehrer also tried to bring about a change in Mussolini's attitude to this question. For this reason he went to Venice shortly afterwards -- maybe it was before -- at any rate he tried to bring about a different attitude.

But I was of the opinion that in spite of everything we may have had in common, let us say in a philosophic sense -- fascism and National Socialism -- the Anschluss of our brother people was much more important to me than this coming to an agreement. And if it were not possible to do it with Mussolini, we should have to do it against him.

Then came the Italian-Abyssinian war. With regard to the sanctions against Italy, Germany was given to understand, not openly but quite clearly, that it would be to her advantage, as far as the Austrian question was concerned, to take part in these sanctions.

That was a difficult decision for the Fuehrer to make, to declare himself out and out against Italy and to achieve the Anschluss by these means or to bind himself by obligation to Italy by means of a pro-Italian or correct attitude and thus to exclude Italy's opposition to the Anschluss. I suggested to him at that time, in view of the somewhat vague offer regarding Austria made by English-French circles, to try and find out who was behind this offer and whether both governments were willing to come to an agreement in regard to this point and to give assurances to the effect that this would be considered an internal German affair, and not some vague assurances of general co-operation, *et cetera*.

My suspicions proved right; we could not get any definite assurances. Under those circumstances, it was more expedient for us to prevent Italy being the main opponent to the Anschluss by not joining in any sanctions against her.

I was still of the opinion that the great national interest of the union of these German peoples stood above all considerations

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regarding the differences between the two present governments. For this to happen it could not be expected that the government of the great German Reich should resign and that Germany should perhaps be annexed to Austria; rather the Anschluss would have to be carried through sooner or later.

Then came the Berchtesgaden agreement. I was not present at this. I did not even consent to this agreement, because I opposed any definite statement which lengthened this period of indecision; for me the complete union of all Germans was the only conceivable solution.

Shortly after Berchtesgaden there was the plebiscite which the then Chancellor Schuschnigg had called. This plebiscite was of itself an impossibility, a breach of the Berchtesgaden agreement. This I shall pass over, but the way in which this plebiscite was supposed to take place was unique in history. One could vote only by "yes," every person could vote as often as he wanted, five times, six times, seven times. If he tore up the slip of paper, that was counted as "yes," and so on. It has no further interest. In this way it could be seen from the very beginning that if only a few followers of the Schuschnigg system utilized these opportunities sufficiently the result could be only a positive majority for Herr Schuschnigg. That whole thing was a farce.

We opposed that. First of all a member of the Austrian Government who was at that moment in Germany, General Von Glaise-Horstenau, was flown to Vienna in order to make clear to Schuschnigg or Seyss-Inquart -- who, since Berchtesgaden, was in Schuschnigg's Cabinet -- that Germany would never tolerate this provocation. At the same time troops which were stationed near the Austrian border were on the alert. That was on Friday, I believe, the 11th. On that day I was in the Reich Chancellery, alone with the Fuehrer in his room. I heard by telephone the news that Glaise-Horstenau had arrived and made our demands known clearly and unmistakably, and that these things were now being discussed. Then, as far as I remember, the answer came that the plebiscite had been called off and that Schuschnigg had agreed to it. At this moment I had the instinctive feeling that the situation was now mobile and that now, finally, that possibility which we had long and ardently awaited was there -- the possibility of bringing about a complete solution. And from this moment on I must take 100 percent responsibility for all further happenings, because it was not the Fuehrer so much as I myself who set the pace and, even overruling the Fuehrer's misgivings, brought everything to its final development.

My telephone conversations have been read here. I demanded spontaneously, without actually having first spoken to the Fuehrer about it, the immediate retirement of Chancellor Schuschnigg. When

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this was granted, I put my next demand, that now everything was ripe for the Anschluss. And that took place, as is known.

The only thing -- and I do not say this because it is important as far as my responsibility is concerned -- which I did not bring about personally, since I did not know the persons involved, but which has been brought forward by the Prosecution in the last few days, was the following: I sent through a list of ministers, that is to say, I named those persons who would be considered by us desirable as members of an Austrian Government for the time being. I knew Seyss-Inquart, and it was clear to me from the very beginning that he should get the Chancellorship. Then I named Kaltenbrunner for Security. I did not know Kaltenbrunner, and that is one of the two instances where the Fuehrer took a hand by giving me a few names. Also, by the way, I gave the name of Fischbock for the Ministry of Economy without knowing him. The only one whom I personally brought into this Cabinet was my brother-in-law, Dr. Hueber, as Minister of Justice, but not because he was my brother-in-law, for he had already been Austrian Minister of Justice in the Cabinet of Prelate Seipel. He was not a member of the Party at that time, but he came from the ranks of the Heimwehr and it was important for me to have in the Cabinet also a representative of that group, with whom we had at first made common cause, but then opposed. I wanted to be sure of my influence on this person, so that everything would now actually develop towards a total Anschluss. For already plans had again appeared in which the Fuehrer only, as the head of the German Reich, should be simultaneously the head of German Austria; there would otherwise be a separation. That I considered intolerable. The hour had come and we should make the best use of it.

In the conversation which I had with Foreign Minister Von Ribbentrop, who was in London at that time, I pointed out that the ultimatum had not been presented by us but by Seyss-Inquart. That was

absolutely true *de jure*; *de facto*, of course it was my wish. But this telephone conversation was being listened to by the English, and I had to conduct a diplomatic conversation, and I have never heard yet that diplomats in such cases say how matters are *de facto*; rather they always stress how they are *de jure*. And why should I make a possible exception here? In this telephone conversation I demanded of Herr Von Ribbentrop that he ask the British Government to name British persons in whom they had the fullest confidence. I would make all arrangements so that these persons could travel around Austria everywhere in order to see for themselves that the Austrian people in an overwhelming majority wanted this Anschluss and greeted it with enthusiasm. Here, during the discussion of the Austrian question no mention was made of the fact

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that already -- this conversation took place on a Friday -- the Sunday before in Styria, one of the most important parts of the hereditary countries, an internal partial Anschluss had practically taken place, and that the population there had already declared itself in favor of the Anschluss and had more or less severed its ties with the Viennese Government.

DR. STAHLER: I have had handed to you a record of that conversation. It has been put in by the Prosecution. One part of it has not been read into the record yet, but you have given its contents. Would you please look at it?

Goering: Yes; I attach importance to having only those passages in this document read in which I refer to the fact that I considered it important that the English Government should send to Austria as soon as possible people in whom they had confidence, in order that they might see for themselves the actual state of affairs; and secondly, those passages in which I refer to the fact that we were going to, hold a plebiscite according to the Charter of the Saar Plebiscite and that, whatever the result might be, we should acknowledge it. I could promise that all the more, as it was personally known to me and quite clear that an overwhelming majority would vote in favor of the Anschluss.

Now I come to the decisive part concerning the entry of the troops. That was the second point where the Fuehrer interfered and we were not of the same opinion. The Fuehrer wanted the reasons for the march into Austria to be a request by the new Government of Seyss-Inquart, that is the government desired by us -- that they should ask for the troops in order to maintain order in the country. I was against this, not against the march into Austria -- I was for the march under all circumstances -- against only the reasons to be given. Here there was a difference of opinion. Certainly there might be disturbances at one place, namely Vienna and Wiener-Neustadt, because some of the Austrian Marxists, who once before had started an armed uprising, were actually armed. That, however, was not of such decisive importance. It was rather of the greatest importance that German troops should march into Austria immediately in sufficient numbers to stave off any desire on the part of a neighboring country to inherit even a single Austrian village on this occasion.

I should like to emphasize that at that time Mussolini's attitude to the Austrian question had not yet crystallized, although I had worked on him the year before to that end. The Italians were still looking

with longing eyes at eastern Tyrol. The five divisions along the Brenner Pass I had not forgotten. The Hungarians talked too much about the Burgenland. The Yugoslavs once mentioned something about Carinthia, but I believe that I made it clear to them at the time that that was absurd. So to prevent the fulfillment of

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these hopes once and for all, which might easily happen in such circumstances, I very definitely wanted the German troops to march into Austria proclaiming: "The Anschluss has taken place; Austria is a part of Germany and therefore in its entirety automatically and completely under the protection of the German Reich and its Armed Forces."

The Fuehrer did not want to have such a striking demonstration of foreign policy, and finally asked me to inform Seyss-Inquart to send a telegram to that effect. The fact that we were in agreement about the decisive point, the march into Austria, helps explain the telephone conversation in which I told Seyss-Inquart that he need not send a telegram, that he could do it by telephone; that would be sufficient. That was the reason. Mussolini's consent did not come until 11:30 at night. It is well known what a relief that was for the Fuehrer.

In the evening of the same day, after everything had become clear, and the outcome could be seen in advance, I went to the Flieger Club, where I had been invited several weeks before, to a ball. I mention this because here that too has been described as a deceptive maneuver. But that invitation had been sent out, I believe, even before the Berchtesgaden conference took place. There I met almost all the diplomats. I immediately took Sir Nevile Henderson, the British Ambassador, aside. I spoke to him for 2 hours and gave him all the reasons and explained everything, and also asked him to tell me -- the same question which I later asked Ribbentrop -- what nation in the whole world was damaged in any way by our union with Austria? From whom had we taken anything, and whom had we harmed? I said that this was an absolute restitution, that both parts had belonged together in the German Empire for centuries and that they had been separated only because of political developments, the later monarchy and Austria's secession.

When the Fuehrer flew to Austria the next morning, I took over all the business of the Reich in his absence, as is known. At that time I also prohibited for the time being the return of the so-called Austrian Legion -- that was a group of people who had left Austria during the early time of the fighting period -- because I did not want to have any disturbances. Secondly, however, I also made sure that north of the Danube, that is between the Czechoslovak border and the Danube, only one battalion should, march through the villages, so that Czechoslovakia would see very clearly that this was merely an Austro-German affair. That battalion had to march through so that the towns north of the Danube could also take part in the jubilation.

In this connection I want to stress two points in concluding: If Mr. Messersmith says in his long affidavit that before the Anschluss

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I had made various visits to Yugoslavia and Hungary in order to win over both these nations for the Anschluss, and that I had promised to Yugoslavia a part of Carinthia, I can only say in answer to these statements that I do not understand them at all. My visits in Yugoslavia and the other Balkan countries were designed to improve relations, particularly trade relations, which were very important to me with respect to the Four Year Plan. If at any time Yugoslavia had demanded one single village in Carinthia, I would have said that I would not even answer such a point, because, if any country is German to the core, it was and is Carinthia.

The second point: Here in the Indictment mention is made of an aggressive war against Austria. Aggressive war is carried out by shooting, throwing bombs, and so on; but there only one thing was thrown -- and that was flowers. But maybe the Prosecution meant something else, and there I could agree. I personally have always stated that I would do everything to make sure that the Anschluss should not disturb the peace, but that in the long run, if this should be denied us forever, I personally might resort to war in order to reach this goal; that these Germans return to their fatherland - a war for Austria, not against Austria.

I believe, I have given in brief a picture of the Austrian events. And I close with the statement that in this matter not so much the Fuehrer as I, personally, bear the full and entire responsibility for everything that has happened.

DR. STAHLER: On the evening before the march of the troops into Austria you also had a conversation with Dr. Mastny, the Czechoslovak Ambassador. On this occasion you are supposed to, have given a declaration on your word of honor. What about that conversation?

Goering: I am especially grateful that I can at last make a clear statement about this "word of honor," which has been mentioned so often during the last months and which has been so incriminating for me.

I mentioned that on that evening almost all the diplomats were present at that ball. After I had spoken to Sir Nevile Henderson and returned to the ballroom, the Czechoslovak Ambassador, Dr. Mastny, came to me, very excited and trembling, and asked me what was happening that night and whether we intended to march into Czechoslovakia also. I gave him a short explanation and said, "No, it is only a question of the Anschluss of Austria; it has absolutely nothing to do with your country, especially if you keep out of things altogether."

He thanked me and went, apparently, to the telephone. But after a short time he came back even more excited, and I had the impression that in his excitement he could hardly understand me. I said

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to him then in the presence of others: "Your Excellency, listen carefully. I give you my personal word of honor that this is a question of the Anschluss of Austria only, and that not a single German soldier will

come anywhere near the Czechoslovak border. See to it that there is no mobilization on the part of Czechoslovakia which might lead to difficulties." He then agreed.

At no time did I say to him, "I give you my word of honor that we never want to have anything to do with Czechoslovakia for all time." All he wanted was an explanation for this particular event, for this particular time. I gave him this particular explanation, because I had already clearly stated before that that the solution of the Sudeten German problem would be necessary at some time and in some way. I would never have given him a declaration on my word of honor in regard to a final solution, and it would not have been possible for me, because before that, I had already made a statement to a different effect. An explanation was desired for the moment and in connection with the Austrian events. I could conscientiously assure him on my word of honor that Czechoslovakia would not be touched then, because at that time no decisions had been made by us, as far as a definite time was concerned with respect to Czechoslovakia or the solution of the Sudeten problem.

DR. STAHLER: On the 15 March 1939 a conversation took place between Hitler and President Hacha. Were you present during that conversation? And what was your part in it?

Goering: That was the beginning of the establishment of the Protectorate in Czechoslovakia. After Munich -- that is, after the Munich Agreement and the solution of the Sudeten German problem -- a military decision had been reached by the Fuehrer and some of his collaborators to the effect that, if there should be new difficulties after the Munich agreement, or arising from the occupation of the zones, certain measures of precaution would have to be taken by the military authorities, for, after the occupation of the zones, the troops which had been in readiness for "Case Green" (Schmundt File) had been demobilized. But a development might easily take place which at any moment could become extremely dangerous for Germany. One needs only to remember what an interpretation was given at that time by the Russian press and the Russian radio to the Munich agreement and to the occupation of the Sudetenland. One could hardly use stronger language. There had been a liaison between Prague and Moscow for a long time. Prague, disappointed by the Munich agreement, could now strengthen its ties with Moscow. Signs of that were seen particularly in the Czech officers' corps and we were informed. And in the event of this proving dangerous to Germany, instructions had been issued to the various military offices to take preventive measures, as was their

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duty. But that order has nothing to do with any intention of occupying the rest of Czechoslovakia after a short time.

I myself went to the Riviera at the end of January for my first long vacation and during that time I dropped all business affairs. At the beginning of March, much to my surprise, a courier came from the Fuehrer with a letter in which the Fuehrer informed me that developments in Czechoslovakia were such that he could not let things go on as they were with impunity. They were becoming an increasing menace to Germany, and he was determined to solve the question now by eliminating Czechoslovakia as a source of danger right in the center of Germany, and he therefore was thinking of an occupation.

During that time I had met many Englishmen in San Remo. I had realized that they had made the best of Munich and even found it satisfactory, but that any other incidents, or demands on Czechoslovakia would cause considerable excitement.

I sent a letter back by courier. Maybe it is among the many tons of documents in the possession of the Prosecution. I could also understand if they do not submit it, for it would be a document of an extenuating character as far as I am concerned. In this letter I communicated these views to the Fuehrer and wrote to him somewhat as follows: That if this were to take place now, it would be a very serious loss of prestige for the British Prime Minister, Chamberlain, and I hardly believed that he would survive it. Then probably Mr. Churchill would come in, and the Fuehrer knew Churchill's attitude toward Germany. Secondly, it would not be understood, since just a short time previously we had settled these things to general satisfaction. Thirdly, I thought I could calm him by telling him the following: I believed that what he wanted to eliminate at the moment in the way of danger, by the occupation of Czechoslovakia, could be achieved in a somewhat lengthier manner, at the same time avoiding anything which might excite Czechoslovakia as well as other countries. I was convinced that since the Sudetenland had been separated and Austria was a part of Germany an economic penetration of Czechoslovakia would be only a matter of time. That is to say, I hoped by strong economic ties to reach a communications, customs, and currency union, which would serve the economic interests of both countries. If this took place, then a sovereign Czechoslovakia would be politically so closely bound to Germany and German interests that I did not believe that any danger could arise again. However, if Slovakia expressed her desire for independence very definitely we should not have to counteract that in any way. On the contrary, we could support it, as then economic co-operation would naturally become even much closer than otherwise; for, if Slovakia were to secede, both countries would

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have to look to Germany in economic matters, and in such matters both countries could be made interested in Germany and could be most closely bound to Germany.

This letter -- I have just given the gist of it -- the courier took back. Then I heard nothing for some days.

THE PRESIDENT: Would that be a convenient time for us to break off?

*[A recess was taken.]*

DR. STAHLER: Will you continue, please?

Goering: I was then called to Berlin on very short notice. I arrived in Berlin in the morning and President Hacha arrived in the evening of the same day. I presented orally to the Fuehrer the views which I had already expressed in my letter. The Fuehrer pointed out to me certain evidence in his possession to the effect that the situation in Czechoslovakia had developed more seriously. This state had, for one thing, disintegrated because of the detachment of Slovakia, but that was not the decisive question. He showed me documents from the Intelligence Service which indicated that Russian aviation

commissions were present at the airfields of Czechoslovakia, or certain of them, undertaking training, and that such things were not in keeping with the Munich agreement. He said that he feared that Czechoslovakia, especially if Slovakia were detached, would be used as a Russian air base against Germany.

He said he was determined to eliminate this danger. President Hacha had requested an interview, so he told me at the time, and would arrive in the evening; and he wished that I too should be present at the Reich Chancellery.

President Hacha arrived and talked first with the Reich Foreign Minister. At night he came to see the Fuehrer; we greeted him coldly. First he conversed with the Fuehrer alone; then we were called in. Then I talked to him in the presence of his ambassador and urged him to meet as quickly as possible the Fuehrer's demand that troops be kept back when the Germans marched in, in order that there might be no bloodshed. I told him that nothing could be done about it; the Fuehrer had made his decision and considered it necessary, and there would be only unnecessary bloodshed as resistance for any length of time was quite impossible. And in that connection I made the statement that I should be sorry if I had to bomb beautiful Prague. The intention of bombing Prague did not exist, nor had any order been given to that effect, for even in the case of resistance that would not have been necessary -- resistance could always be broken more easily without such bombing. But a point

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like that might, I thought, serve as an argument and accelerate the whole matter.

I succeeded then in getting a telephone connection between him and his Government in Prague, he gave the order, and the occupation and the march into Prague took place the next day.

DR. STAHLER: Did you accompany the Fuehrer to Prague?

Goering: No, I did not accompany him to Prague. I was rather annoyed. I did not enter Czechoslovakia or Sudeten Germany at any time after that incident, with the exception of 21 April 1945 when I passed through a part of Czechoslovakia.

DR. STAHLER: Why were you annoyed?

Goering: Because the whole matter had been carried out more or less over my head.

DR. STAHLER: Did other powers take a part in the occupation of Czechoslovakia?

Goering: Yes. Poland took the Olsa territory at that time.

DR. STAHLER: The Prosecution have presented a document from which the conclusion is drawn that the murder of the German Ambassador was to take place in connection with anti-German demonstrations in Prague. It has been interpreted as if this assassination of the German Ambassador were to be carried out in order to provide a motive for the annexation.

Goering: That comes before the solution of the Sudeten German problem, and I listened very carefully when that point came up. I also remember what the facts really were. It was not discussed in that way and should not be interpreted, that we wanted to murder our own Ambassadors, or had even considered this possibility, in order to find a motive for settling this problem. But we considered the possibilities which might lead to an immediate clash. In view of the tension which existed between Czechoslovakia and Germany in regard to Sudeten Germany, the possibility was also considered that the German Ambassador in Prague might actually be assassinated by the Czechs, and that this would necessitate immediate action on Germany's part under all circumstances, quite apart from any other political actions.

This possibility arose from the fact that outside the German Embassy in Prague there had been a number of demonstrations, which cannot be denied, for which reason Germany had sent arms to the Embassy for its defense, so threatening was the situation. For these reasons we talked of that possibility. That has been wrongly understood here. We did not want to have the Ambassador assassinated as a provocation, or a possible provocation, but we saw

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the possibility of such an assassination being committed by the other side; and then the Fuehrer would have acted immediately.

DR. STAHLER: To what extent were confiscations carried out in Czechoslovakia?

Goering: Before the war no confiscation took place in Czechoslovakia, that is, no economic goods were taken away. On the contrary, Czechoslovakia's large and vigorous economic capacity was aligned in its full extent with the economic capacity of Germany. That is to say, we attached importance above all to the fact that, now that we had declared the Protectorate and thus concluded an action, the Skoda Works and the Brunn Armament Works, that is important armament works, would naturally be included in the armament potential of Germany. That means that orders were sent there for the time being to a considerable extent. Over and above that we even created new industries there and gave our support in respect to this.

The accusation had been raised that among other things we dismantled new rails there and replaced them with old rails from Germany. I believe that to be a complete error, for the transportation system in Czechoslovakia, the Protectorate, was one of the most important for Germany. The entire southeastern transportation from the Balkans went through the Protectorate, first, in the direction of Vienna, Prague, Dresden, and Berlin; and secondly, the main line of Vienna-Lundenburg-Oderberg-Breslau. And, since the canal had not been completed, the entire transportation of all economic goods no longer made a detour around the border, but took the shortest way. We would have been mad if we had weakened this transportation system. I can think of only one explanation, and that is that during the extension of the existing transportation system perhaps, many rails from German stock were also used which later appeared in the government report as "old." But that we dismantled new for old is absolute nonsense.

Furthermore, it is obvious that as Sudetenland was included in the Reich, the accusation that state property and forests were taken over into German State possession has no bearing; for naturally if a country is taken over, then its state property must also become the property of the new state.

Likewise the accusation, as far as Sudetenland is concerned, that the banks there were affiliated with German banks is obviously not justified, as German currency was introduced for the country, and therefore the branch banks also had to be converted to that.

As far as the later Protectorate is concerned, I have already emphasized that even before the creation of that Protectorate a strong economic penetration of Czechoslovakia had been prepared

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by me, on the one hand by our acquiring shares from other owners which gave us a voice in Czech and Slovak enterprises, and further I believe, by our replacing certain loans originally made by Western powers.

In this connection the Hermann Goering Werke came to the fore, as they had acquired large number of shares in the Skoda Works, in order to use the latter as a finishing industry for the products of their own rolling mills and steel works, just as they used other industries in Germany.

Moreover, after the creation of the Protectorate, the total economic capacity of the Protectorate was of course amalgamated with Germany's total economic capacity.

DR. STAHLER: On 15 November 1937 a discussion with the Fuehrer took place at the Reich Chancellery, a record of which was prepared by a certain Colonel Hossbach, and that has been referred to as Hitler's last will. It has repeatedly been the subject of the proceedings here. May I ask you for a short explanation as to what significance this conference had. I am going to have that document shown to you. It is Document Number 386-PS.

Goering: This document has already been shown to me here, and I am fairly familiar with the contents. This document played an important role in the Indictment, since it appears under the heading "Testament of the Fuehrer." This word "testament" is, in fact, used in one place by Hossbach.

As far as the technical aspect of this record is concerned, I want to say the following: Hossbach was the adjutant of the Fuehrer, the chief adjutant. As such, he was present at the meeting and took notes. Five days later, as I have ascertained, he prepared this record on the basis of his notes. This is, therefore, a record which contains all the mistakes which easily occur in a record, which is not taken down on the spot by alternating stenographers, and which under certain circumstances contains the subjective opinions of the recorder or his own interpretations.

It contains a number of points, as I said at the time, which correspond exactly to what the Fuehrer had repeatedly said; but there are other points and expressions which I may say do not seem like the Fuehrer's words.

During the last months I have seen too many records and interrogations which in part had nothing to do with it nor with the interpretation which had been given to it; for that reason I must here too point out the sources of mistakes.

As far as the word "testament" is concerned, the use of this word contradicts the Fuehrer's views completely. If anybody at all knows anything about these views, it is I.

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The decision that I was to be the successor was not made first on 1 September 1939, but as early as the late autumn of 1934. I have often had the opportunity of discussing the question of a so-called political testament with the Fuehrer. He turned it down, giving as his reason the fact that one could never appoint a successor by means of a political testament, for developments and political events must allow him complete freedom of action at all times. Quite possibly one could set down political wishes or views, but never binding statements in the shape of a will. That was his view then and as long as I stood in his confidence.

Now, what did he aim at in this discussion? The Minister of War, the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy and the Luftwaffe and the then Reich Foreign Minister were called together. Shortly before the Fuehrer had informed me, as I was there earlier, that he was going to call this meeting mainly in order, as he called it, to put pressure on General Von Fritsch, since he was dissatisfied with the rearmament of the Army. He said it would not do any harm if Herr Von Blomberg would also exercise a certain amount of pressure on Von Fritsch.

I asked why Von Neurath was to be present. He said he did not want the thing to look too military, that as far as the commanders-in-chief were concerned it was not so important, but that he wanted to make it very clear to Commander-in-Chief Fritsch that the foreign political situation required a forced speed in armament and that for that reason he had asked the Foreign Minister, who knew nothing about the details, to come along.

The statements were then made in the way the Fuehrer preferred on such occasions. He went to great lengths to picture things within a large political framework and he talked about the whole world situation from all angles; and for anybody who knew him as well as I did the purpose which he pursued was obvious. He was quite clearly ah-aing at saying that he had great plans, that the political situation was such and such, and the whole thing ended in the direction of a stronger armament program. I should like to say that, if the Fuehrer, a couple of hours later, had talked to another group, for instance, diplomats of the Foreign Office, or Party functionaries, then he probably would have represented matters quite differently.

Nevertheless, some of these statements naturally do reflect the basic attitude of the Fuehrer, but with the best intentions I cannot attach the same measure of significance to the document as is being attached to it here.

DR. STAHLER: You said you had been considered as the Fuehrer's successor. Were you in this capacity initiated in all political problems by Hitler?

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Goering: I am now talking of the period of my good relations, which lasted until long into the war. Of course he informed me of all important political and military problems. He initiated me into these problems for the most part in many long discussions, which would take place for many hours, day after day. Sometimes I was certainly surprised concerning foreign political questions, but whenever possible I found things out for myself, and on one occasion he said, in fact, that I had a decided opinion of my own on foreign matters and that he did not always find it easy to agree with me. But I want to emphasize that on all important political questions I was, of course, always informed.

DR. STAHLER: On 23 May 1939 a conference took place with the Fuehrer, which was briefly discussed in connection with the examination of the witness Milch.

A report of that was also made, Document Number L-79. According to the wording of that report, you participated in this meeting, but the witness Milch stated that you were not present.

Goering: Actually I was not present. Milch was called in at the last moment to represent me. But, of course, if the witness says that he had not received any permission from the Fuehrer to inform me, then you must understand that the Fuehrer did not want, to have me informed of this matter by way of my state secretary, but wanted rather to inform me himself. But no, I was actually present at this meeting -- I see that now from another clue. But even if I had not been present, I think Milch must have been thinking of another meeting. That would not be one of any importance, for it is out of the question that the Fuehrer would have had a conference with such gentlemen without notifying me either before, or afterwards if I myself were absent. It is, therefore, not at all important. It is quite obvious that in such cases I was informed either previously or, if I was not present, afterwards in great detail by the Fuehrer. But I see now that Milch must have made a mistake here, and he is probably thinking of another meeting, for at the very end I asked some questions with respect to the armament program which I now recall very well.

DR. STAHLER: What was the significance of this meeting?

Goering: It was a conference held by the Fuehrer at which he once more stated his views with regard to the situation and the tasks demanded of the Wehrmacht as a result of this situation. Once more the main point was to inform the Armed Forces concerning armament and preparedness, that he was considering all possible developments, political and otherwise, and that he himself wanted to have complete freedom of decision.

Looking back, in regard to the events which have occurred up to this moment -- and I need not emphasize how easily matters

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viewed in retrospect, in the light of their development, are seen and presented differently to what they actually were when they occurred -- but I can now easily say that even at that time I wanted this or that, since I have in the meantime achieved it. I can easily say also -- this involuntarily suggests itself -- that this or that was always my intention, even though one knows perfectly well that one was originally very dependent on other factors, and that under certain circumstances one's intentions at that time might have been quite different.

Generally speaking, this is another case where there are misconceptions on the part of the adjutant; but, on the whole, it is typical of the conferences which the Fuehrer used to hold when he had some particular purpose in mind which he wanted to achieve and wanted to give this aim the necessary emphasis.

DR. STAHLER: During the period from 1935 to 1938 you made many state visits to Poland. What was the purpose of these visits?

Goering: After German-Polish relations had been clarified in 1934, the Fuehrer wished a strengthening of that pact and the creation of a better atmosphere. He requested me to take over this task because he believed that I would find it easy to talk to these Polish gentlemen, which was indeed the case.

The President of the Polish State had invited me. That was in 1935, and from then on -- in 1935, 1936 and 1937 -- I spent about 1 or 2 weeks in Poland each year. I had a long discussion with the then Marshal Pilsudski, and afterwards always with the Foreign Minister, and Marshal Rydz-Smygley.

At that time the Fuehrer had given me the serious task -- not a task of deception -- while improving relations, to tell Poland that he was interested in a strong Poland, because a strong Poland would be an excellent barrier between Germany and Russia. The Fuehrer had laid stress on the solution of the Danzig question and the Corridor question in speaking to me at that time, and had said that the opportunity for this would come, but that, until then, there might be some sort of opportunity to come to an agreement with Poland about that problem. The Lithuanian problem played a part in this. But the decisive factor is that he did not say, "Lull Poland to sleep. I am going to attack Poland afterwards." It was never the case, that from the very beginning, as has often been represented here, we got together and, conspiring, laid down every point of our plans for decades to come. Rather, everything arose out of the play of political forces and interests, as has always been everywhere the case, the whole world over, in matters of state policy. I had this task, and I consciously considered it a serious task and carried it out with an honest belief in it. Consequently, when the clash with Poland came about it was not a very pleasant situation for me.

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DR. STAHLER: What was your attitude toward the Memel, Danzig, and Polish Corridor question?

Goering: My attitude was always unequivocal. It was that Danzig and the Free State, as purely German territory, should at some date in the near future return to Germany. On the other hand, we certainly recognized that Poland should have access to the sea, and also a port. Consequently, our first thought was that the Free State and Danzig should be returned to us and that through the Polish Corridor there should be a German traffic lane. That was a very small and most modest demand which for a long time was considered absolutely necessary, and seemed to us quite possible.

DR. STAHLER: Another conference with the Fuehrer took place on 23 November 1939. The record of that conference is Document Number 789-PS, which was submitted to the Tribunal. I ask you to look at this document and then to tell me briefly what your attitude is toward the subject of this conference.

Goering: About that I can be comparatively brief. This is an address before the commanders-in-chief and commanders of the formations and armies which were to be made ready for the attack in the West after Poland's defeat. This is quite understandable to me and indeed requires no explanation if the Supreme Commander of the Armed Forces, who is actually leading these forces, decides to undertake a strategic and extensive tactical operation, as in this case, after the end of the Polish Campaign. The Fuehrer wanted under all circumstances, and was perfectly correct, to transfer the troops in the late autumn and carry out the blow against France, so that in the autumn and winter of 1939 the end of that operation could be achieved. What prevented him was the weather, since without using the Air Force he could not carry out this operation, particularly the penetration of the Maginot Line at Sedan. He needed good flying weather for at least 4 or 5 days at the beginning of the attack. Merely because we could not assure him of such weather conditions for weeks and weeks, the matter dragged on into the winter and was eventually postponed, after Christmas and New Year, until the beginning of the spring.

But this was at a time when he still believed that he could carry it through. Therefore he called the commanders-in-chief together and informed them about the orders for attack. It was one of the speeches customarily made in such cases. Naturally, since the Fuehrer was not only a military man but above all a politician, it always happened that these military speeches, which a soldier would have confined exclusively to the military-strategical field, were always to a large extent filled with references to his political views and his political tendencies or intentions. It must never be

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forgotten that he gave such speeches not only as the Commander-in-Chief or the Supreme Commander of the Armed Forces, but also as the head of the German State; and that is why so frequently there was such a strong political tendency even to the military speeches.

But no general was asked on such occasions what his opinions were or whether he approved of the principal tendencies of the policy or not. At such speeches he was not even asked whether he approved of the military plan or not; that happened at another time. If a matter was concluded and purely strategical-tactical matters had been discussed with the single commanders, then came a summary, also definitely political, in which the last final concluding thoughts of the Fuehrer were presented to the

generals. And if -- this I emphasize since it has often played a role here -- if a general had been able to say, "My Fuehrer, I consider your statements wrong and not in keeping with the agreements we have made," or "This is not a policy of which we can approve," it would have defied understanding. Not because that particular general would have been shot; but I would have doubted the sanity of that man, because how does one imagine that a state can be led if, during a war, or before a war, which the political leaders have decided upon, whether wrongly or rightly, the individual general could vote whether he was going to fight or not, whether his army corps was going to stay at home or not, or could say, "I must first ask my division." Perhaps one of them would go along, and the other stay at home! That privilege in this case would have to be afforded the ordinary soldier too. Perhaps this would be the way to avoid wars in the future, if one were to ask every soldier whether he wanted to go home! Possibly, but not in a Fuehrer State. This I should like to emphasize, that in every state of the world the military formula is clearly defined. "When there is a war, or when the state leadership decides upon war, the military leaders receive their military tasks. With respect to these they can voice an opinion, can make proposals as to whether they want to press the attack on the left or the right or in the center. But whether they thereby march through a neutral state or not, is not the business of military leadership. That is entirely the responsibility of the political leadership of the state. Therefore there could be no possibility that a general discussion as to right or wrong would ensue; rather the generals had already received their orders. The Supreme Commander had decided and therefore there was nothing left for a soldier to discuss; and that applies to a field marshal as well as to the ordinary soldier.

DR. STAHLER: A Fuehrer Decree of 7 October 1939 bears your signature. In this decree Himmler is given the task of germanizing.

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This decree is presented as Document Number 686-PS. Please look at this and say what the significance of this decree is?

Goering: This decree of 7 October 1939 was issued after the Polish campaign had ended. Poland at that time had been conquered and the Polish State as such had ceased to exist. I draw your attention to the note of the then People's Commissar for Foreign Affairs in Russia, Molotov, who states his opinion about this, according to which that injustice which Germany had felt, when in the Treaty of Versailles German provinces were detached and given over to Poland, had been compensated by the victory of arms. It was therefore a matter of course for us that that part of Poland, which until 1918 had been German, should again be given back, that is, returned to Germany. But in that territory, in the course of years, more than one million Germans who had formerly lived there, who had had property there, particularly farms, estates, *et cetera*, had been thrown out, expelled and dispossessed. That is quite clear from numerous complaints which during the years after 1919 had been made to the League of Nations about this matter; and a study of all these complaints and of all the events which had been reported there, which must still be in the archives at Geneva, will prove to what an enormous extent the Polonization of these German territories was carried out. This decree aimed to put an end to that and to

make these territories German once more, that is, that those farms and estates from which Germans had been driven, should once more come into the hands of Germans. The fact that this task was given to Himmler did not meet with my full agreement; but at the moment that was not of decisive importance. He was given this task, not in his capacity as Chief of the Police, but because, as is known, he was always particularly and keenly interested in the question of the new development of the German people, and therefore this office of "Folkdom" or whatever it was called -- just a moment, it does not make any difference -- anyhow Himmler was given this task. The Fuehrer issued the law. I naturally was also a signatory, since I was the Chairman of the Ministerial Council at the time, and then it was also signed by the Chief of the Chancellery, Lammers. These signatures are a matter of course. I take a very positive attitude to this; it was quite in accordance with my views, that where the Germans had been driven out from what were German territories, they should return. But I want to draw your attention to the fact that this, to be exact, is a question of former German provinces.

DR. STAHLER: You mean the occupied western Polish provinces?

G40RING: Yes. The Government, for instance, was not appointed for purposes of Germanization. If Germans later were settled there -- and I am not certain of that -- that was not done on the basis

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of this decree. You asked about my attitude to the Memel question, I believe. Danzig and the Polish Corridor, I have emphasized. Memel was a comparatively small matter. In Memel, according to the Treaty of Versailles or the League of Nations, there was to be a plebiscite. Shortly before, the Lithuanians occupied Memel and the Memel territory. In order to prevent the plebiscite Lithuania incorporated Memel and thereby produced a *fait accompli*. Complaints of the German Government at that time naturally were as futile as all previous complaints to the League of Nations. What the Lithuanians had done was regretted, it was considered false and wrong, but there could be no talk about returning it, or going through with the prescribed plebiscite. After the Lithuanians, in violation of all agreements, had occupied Memel, it was naturally our absolute national right to rectify this encroachment and now to occupy Memel ourselves.

DR. STAHLER: On 19 October 1939 you published a decree which ordered the removal of economic goods from Poland. This decree has been submitted in Document Number EC-410. I should like to have your opinion on this decree.

Goering: This is a decree which represents general instructions as to what economic procedure should be adopted in the whole of the Polish territory occupied by us. It regulates the seizure and administration of property of the Polish State within the territories occupied by German troops, money and credit matters, the taking of economic measures, the preparation for a settlement with foreign creditors which would become necessary, *et cetera*. Confiscation was to be carried out only by the Main Trustee Office East, *et cetera*. It is not so much a question of the removal of economic goods. That was not the case. On the contrary, even in the Government General, the economy in existence there, that economy of course which could be used for purposes of war at that time, was strengthened and extended. Such economy as

was not absolutely essential was cut down, just as in the rest of Germany and in all other states in the event of war. As far as those raw materials are concerned which were available and were important for the conduct of the war, such as steel or copper or tin, it was my view, or better said my intention, that these raw materials should be converted into manufactured products there where they could most quickly be used for manufacture. If the locality and its transportation facilities permitted it, they should remain and be used for manufacture there. If it was not possible to use them for manufacture on the spot, I would of course not let raw materials of importance for the war lie there, but would have them brought to wherever they could most quickly be used to serve the needs of the war. That is in general, what this decree says. That was my basic attitude and my basic instruction. The

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object was the quickest and most purposeful use for manufacture wherever it was possible.

DR. STAHLER: On 19 November 1945 a Dr. Kajetan Muhlmann made an affidavit, which has been presented by the Prosecution under Document Number 3042-PS. In this it says the following in three short sentences:

"I was the Special Deputy of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the Government General from October 1939 to September 1943. This task was given to me by Goering in his capacity as the Chairman of the Committee for Reich Defense. I confirm that it was the official policy of the Governor General, Hans Frank, to take in custody all important works of art which belonged to Polish public institutions, private collections and the church. I confirm that the mentioned works of art were actually confiscated and I am aware that, in the event of a German victory, they would not have remained in Poland but would have been used to complete German art collections."

Goering: Actually I had nothing directly to do with the safeguarding of art treasures in Poland, absolutely nothing, in my capacity as Chairman of the Ministerial Council for the Reich Defense. However, Muhlmann, whom I knew, did come to see me and told me that he was to take steps for the safeguarding of art treasures there. It was my view too that these art treasures should be safeguarded during the war, regardless of what was to be done with them later, so that no destruction would be possible through fire, bombing, *et cetera*. I want to emphasize now -- I shall refer to this matter again later in connection with France -- that nothing was taken from these art treasures for my so-called collection. I mention that just incidentally. That these art treasures were actually safeguarded is correct, and was also intended, partly for the reason that the owners were not there. Wherever the owners were present, however -- I remember Count Potocki of Lincut, for instance -- the art collections were left where they were. The Fuehrer had not yet finally decided what was to be done with these art treasures. He had given an order -- and I communicated that by letter to Muhlmann and also, as far as I remember, to Frank -- that these art treasures were for the time being to be brought to Konigsberg. Four pictures were to be taken to the safety "bunker" or the safety room of the German Museum in Berlin or to the Kaiser Friederich Museum in Berlin. The Durer drawings in Lemberg also figured here.

In this connection I want to mention them now, since the Prosecution has already concerned itself with them. The Durer drawings in Lemberg were not confiscated by us at that time, because Lemberg had become Russian. Not until the march against

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Russia were these Lemberg drawings -- as far as I can remember from Muhlmann's story -- rescued from the burning city in the battle by a Polish professor, who had hidden from the Russians until that time, and he gave them over to him. They were drawings and he came with them to visit me. Although I am usually very interested in such things I unfortunately did not have time to look at them properly, as I was on my way to the Fuehrer at the moment. I took them along with me and, as Muhlmann has confirmed, delivered them there immediately. Where they went after that I do not know. I believe I have now answered the question about the Polish art treasures. Apart from that there is still the Veit Stoss altar, which was originally made here in Nuremberg, a purely German work. The Fuehrer wished that this altar should come to the Germanisches Museum here in Nuremberg -- with that I personally had nothing to do. I merely know about it. What was intended to be done with it finally had not yet been stated. But it is certain that it also would have been mentioned in negotiations for peace.

DR.STAHMER: What connection did you have with Quisling?

Goering: I met Quisling for the first time long after the occupation of Norway, for the first and only time. He was in Berlin, visited me, and we had a short, unimportant conversation. Before that, that is before the outbreak of war, one of his men whom I did not know personally sent a letter to me, which has been shown to me here but which I myself cannot remember, as such letters, according to our practice, were hardly ever submitted to me - that is immaterial. In that letter he expressed himself in Quisling's name to the effect that we should give financial support to Quisling's movement, and he described to what extent political money contributions, on the one side from Russia -- the Communist Party there and on the other from England, would flow into the political office concerned. Then I -- later on someone discussed with me whether some sort of contribution could be given to Quisling by way of coal deliveries. My point of view was that, because of the foreign exchange situation and other factors -- we were not so rich, we naturally could not compete with the Russian or English money contributions -- those authorities should be consulted who could judge whether it was expedient to give the Quisling movement financial support or not. If they answered in the affirmative, then it would be perfectly clear to me that Quisling should receive money. The amount concerned, which I also would have given, was very much higher than the amount which was, I believe, paid later on by the Fuehrer by way of the Foreign Office.

I never thought much of such small money contributions; if one was going to give, then one should give properly, so that an end could really be gained thereby. From the last World War I had

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experience enough in connection with the money which went to the Romanian Parliament, but which was unfortunately too little. On the basis of these experiences it was my advice that if we were to contribute, then we should give the proper amount. Apart from this, as I said, I did not become acquainted with Quisling until much later, and had a very unimportant conversation with him, which I do not remember.

DR. STAHMER: What was your attitude towards the Norway project?

Goering: The Norwegian project surprised me rather, since strangely enough for a rather long time I was not informed about it. The Fuehrer went very far in his basic decree, which I already mentioned at the beginning, and did not call in the Air Force until very late. But since the most important part of this undertaking fell to the Air Force, I expressed my views in regard to this in an unmistakable and unfriendly fashion. From a military point of view I was definitely against this undertaking as such, since as Commander-in-Chief of the Air Force, quite independent of political considerations, I had first of all to think exclusively of strategic considerations. That it would considerably improve my position as far as the Air Force was concerned if my squadrons could operate against England from Norwegian bases was obvious, and would be obvious to any prudent military expert. From the strategic point of view I, as Commander-in-Chief of the Luftwaffe, could take only a very definite stand against this undertaking. My objection was, firstly, that I had been informed too late and, secondly, that the plans did not seem quite correct to me.

DR. STAHMER: Was Hitler afraid of complications with Sweden because of this occupation?

Goering: Yes, not because of occupation by German forces as such; but when we, that is, the Fuehrer, decided to occupy Norway, we already had considerable and detailed information regarding the intended occupation by the English and French, which was later also confirmed by the papers of the English and French General Staff which we captured. In this connection we also knew that the intention was not merely of occupying Norway, but, above all, of cutting off the Swedish ore deliveries to Germany by way of Narvik, and, over and above that, of intervening on the side of Finland in the Russian-Finnish conflict, which was still taking place at the time. The Fuehrer feared that Sweden would yield entirely to English pressure, that is, under the pretext of coming to Finland's aid, a march through would be allowed, thereby effecting the complete cutting off of the Swedish iron ore basin and, the ore deliveries to us. I took a very heavy responsibility upon

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myself at that time by assuring Hitler that I knew Sweden and her people and her King so well that I knew that, whoever might want to exert pressure on Sweden, regardless of which power -- whether our power or another -- Sweden under all circumstances would defend her neutrality, with arms against any power that tried to violate it, no matter what reasons there might be for this violation. And I said that I personally and consciously would take the responsibility for this, and that we could rest assured in this respect. Therewith the question was settled.

THE PRESIDENT: We will adjourn now.

*[The Tribunal adjourned until 15 March 1946 at 1000 hours.]*

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DR. STAHLER: What reasons were decisive for the invasion of Holland and Belgium?

Goering: This question had first been investigated from the purely military and strategic point of view. To begin with it had been examined whether the neutrality of the two States would be guaranteed absolutely.

THE PRESIDENT: There is some difficulty with the equipment. The Tribunal will adjourn.

*[A recess was taken.]*

DR. STAHLER: Would you please continue.

Goering: I repeat. At first, we had to determine whether the neutrality of Holland and Belgium would, under all circumstances, be assured in case of a conflict and a war in the West. In the beginning it seemed as if it would. Then information came that negotiations had taken place not only between Belgium and France but also between Holland and England. There was an incident at Venlo, where a Dutch officer of the general staff had been caught on German territory, and I believe another one was shot by the frontier post during this occurrence, which made it clear that this neutrality could not be maintained under certain conditions and under increased pressure from the enemy side.

Now if neutrality was not assured under all circumstances, a tremendous danger would exist in battle, in that the right flank was menaced and exposed. The purely military authorities, who were concerned only with the strategic point of view, when being asked for their opinion had to give it from a purely military angle; that is, to point out that by occupying both countries, the purely military and strategic situation would of course be different from what it would be if this were not done, and such an occupation were undertaken by the enemy.

An additional element which gave rise to doubt as to the absolute neutrality of these countries was the fact that nearly all flights from Great Britain into Germany, which took place at that time, went

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over Dutch or Belgian territory. Reliable information reached us that the Belgian Army, which at the beginning of the war had been reinforced on its southwestern frontier, was being regrouped and drawn up along the German border with all its full fighting force.

Further information indicated that an interchange of view between the French and Belgian General Staffs had taken place, and that, under pressure from the French General Staff, Belgium had promised to intensify the work on the fortification line of the Maas against Germany.

Other information indicated that the chief of the French General Staff, Gamelin, as well as Admiral Darlan and the chief of the Air Force, Vuillemin, insisted on the occupation of Belgium under all circumstances, for the security of France, and that considerable negotiations were taking place on this subject between the French and the British governments. The information at the time was highly reliable. How correct and absolutely clear it was became evident later when, after marching into France, we found the secret documents of the French General Staff, and also minutes of conferences which had taken place between the French and British Governments in the so-called Supreme Military Council.

It was the opinion of the Fuehrer that the incapability of these countries to maintain their neutrality in the face of increased French and British pressure would in consequence expose to extreme danger the Ruhr area, which was particularly vital to us. How justified this opinion was can also be seen from reports in which the British chief of government suggested, and had also fully explained by the experts in the Military Council, how best the Ruhr Valley could be attacked by low-flying British aircraft, which would approach over Belgium and then, at the last moment, in a short flight from Belgium could attack the Ruhr Valley and destroy the most important industries there.

If that was not carried out at first, it was due to the concern of the French Premier, for he, on his part, was worried about French industry and wanted to leave it to the other side to make the first attacks against industrial areas. England insisted, however, that she would be able to carry out this attack on the Ruhr Valley via Belgium at any time.

If one takes into consideration how short the flying distance is from the Belgian border to the most important industries of the Ruhr Valley, only a few minutes, one can then fully realize the danger which would arise if the neutrality of Belgium was not respected by our enemies. On the other hand, if it were respected, an attack by the British Air Force on the Ruhr Valley would have necessitated a relatively long flight over the Helgoland Bucht from the north, and at that time it would easily have been possible for us

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to avoid and to repel such an attack. If, however, they came via Belgium, it would have been almost impossible.

In this hard struggle it was necessary in the first place, to think of our own war interests and our own existence, and not to leave the advantage to the enemy. At the very moment one was sincerely convinced of the reality of the danger threatening our people, and above all our Armed Forces; that danger had to be eliminated, in advance, and we had to secure for ourselves those advantages which the adversary had expected.

DR. STAHLER: For what reason were officers interned in France again, even after the war was over?

Goering: First I would like to correct an expression in regard to this question. In France the war as such was not terminated at all. An armistice had been concluded. This armistice was a very generous one.

Even the preamble of this armistice showed a tendency to coming conciliation, in contrast to that armistice which had been signed in 1918 on the same spot.

When, at the time, Marshal Petain asked for an armistice, the first answer he received was that capitulation would have to be unconditional. Later, however, we gave him to understand that quite a number of wishes concerning the fleet, certain parts of the unoccupied territory, and the respecting of the colonies would be considered. The situation was such that Germany at that moment could have insisted on an absolutely unconditional surrender, since no French forces of any consequence, or any help that might come from England, were available to prevent a complete military catastrophe in France.

No line, no French formation, could have stopped the breakthrough of German troops to the Mediterranean. No reserves were available in England. All the available forces were in the expeditionary force which had been routed in the Belgian and northern French area and finally at Dunkirk.

In this armistice those conditions were respected for which a wish had been expressed. The Fuehrer also, apart from that, had hinted at a certain generous solution, especially in regard to the question of captured officers. When, contrary to far-reaching satisfaction which we had hoped for, and which we really got at the beginning, the resistance movement within France began to develop gradually by means of propaganda from across the Channel, and the establishment there of a new center of resistance under General de Gaulle, it was perfectly understandable, from my point of view, that French officers would offer their services as patriots. But at the same time it was just as natural for Germany, recognizing that danger and in trying to overcome it, again to take as prisoners of war those elements who would be the leaders and experts in such military

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resistance movements, that is to say all those officers who were still moving freely in France. That was a necessary basic condition in order to avoid the danger of a war in our back and of a renewed flare-up in France. I believe that it is quite unique, that, while war was still raging on all fronts, officers of a country with whom one had only an armistice were permitted to move around freely when war was at its height. As far as I know, that was the first time in the history of warfare that such a thing had happened.

DR. STAHLER: Can you give us specific facts to explain why the struggle in France, which was apparently carried out in a mutually honorable manner in 1940, later took on such a bitter character?

Goering: One must consider the two phases of the war with France completely separately. The first phase was the great military conflict, that is to say, the attack of the German forces against the French Army. This struggle was executed quickly. One cannot say that it was a chivalrous fight throughout, because from that period we know of several acts on the part of the French against our prisoners, which were recorded in the White Books and later presented to the International Red Cross in Geneva. But all in all, it kept within the usual bounds of a military war with the excesses that always occur here and there in such a struggle.

After that had been terminated, appeasement and quiet set in for the time being. Only later, when the struggle continued and expanded, especially when the fight against Russia was added, and, as I said before, when on the opposite side a new French center of leadership had been created, then in the countries of the West, which had been quiet until then and where no serious incidents had taken place, a definite intensification of the resistance movement became evident. There were attacks on German officers and soldiers; hand grenades and bombs were thrown into restaurants where German officers or soldiers were present. Bombs were even thrown in places where there were women, members of the Women's Auxiliary Signal Service and Red Cross nurses. Cars were attacked, communications cut, trains blown up, and this on a growing scale.

A war behind the front during a period of land warfare represented difficulty enough but when aerial warfare was added, entirely new possibilities and methods were developed. Night after night a large number of planes came and dropped a tremendous quantity of explosives and arms, instructions, et cetera for this resistance movement, in order to strengthen and enlarge it. The German counterintelligence succeeded, by means of aerial deception and code keys dropped by enemy planes, in getting into their hands a large part of these materials; but a sufficient amount was left which fell into the hands of the resistance movement. The atrocities committed

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in this connection were also widespread. As to this, documents can be submitted. Of course ...

MR. JUSTICE JACKSON: If the Tribunal please, I am very reluctant to interrupt this examination, but I should like to ask if the Tribunal will avail itself of the Charter provision to require from Counsel a statement as to how this is relevant to the charges which we are engaged in trying.

It raises a rather large and important question, and that question is this, as I see it: It raises a question which involves a great deal of time, if time is an important element in this proceeding.

For the purposes of this statement, I may admit that there were actions taken by partisan groups within occupied territories which were very annoying and very objectionable and very injurious to, the would-be conqueror. If it is sought to introduce testimony as to what partisans did toward the German occupying forces, on the theory of reprisal, then I respectfully submit that Counsel is proceeding in reverse order, that is to say, if the Defense says "Yes, we did commit certain atrocities; we did violate international law," then it may be that the motive -- I shall argue that it is not -- is relevant under the Hague Convention, but then at least we might have that question presented.

But unless this evidence is offered on the theory that reprisals would be justified, it has no place, I submit, in the case. If it is offered on the basis of establishing a theory of reprisal, our first inquiry is, what is it that reprisals were for? In other words, the doctrine of reprisal can only be invoked when you first admit that you committed certain definite acts in violation of international law. Then your question is whether you were justified. I submit that it might shorten and, certainly would clarify this proceeding, if counsel will definitely state as to what acts on the part of the German occupying force he is directing

this testimony, as I suppose, to excuse it; and that, unless there is some theory of reprisal pointed out with sufficient definiteness, so that we may identify the violations on Germany's part for which she is seeking excuse by way of reprisal, this testimony is not helpful in deciding the ultimate question.

The question here is not whether the occupying countries resisted. Of course they resisted. The question is whether acts of the character we have shown can be excused by way of reprisal; and, if so, there must be an admission of those acts, and the doctrine of reprisal must be set forth, it seems to me, much more specifically.

THE PRESIDENT: Yes, Dr. Stahmer.

DR. STAHLER: I have not been able to get all of the statement, because the translation did not quite keep up with it, but I believe

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that for the following reasons what we have discussed up to now is relevant:

The defendants are accused of the fact that hostages were taken in large numbers and shot and it is maintained that this was not justified; at any rate, the motives which led to the taking of hostages have not, up to now, been, discussed, at least not sufficiently. To clarify this question, which is so important for the decisions in this Trial, it is in my opinion absolutely necessary to make it clear that these decrees concerning the arrest and the treatment of hostages were called for by the attitude of the resistance movements. Therefore, in my opinion it could be said with justification that the actions of the resistance movement were the cause for the measures which had to be taken later by the German military authorities, much to their regret.

MR. JUSTICE JACKSON: May I say one word in answer to Dr. Stahmer's offer, if it be an offer.

The suggestion of Dr. Stahmer that the motives here are to be tried seems to me to lead us very far afield. If he is invoking the international law doctrine of reprisal, then he has to meet the conditions of that doctrine. Article 2 of the Geneva Convention of the 27th of July 1929 provides specifically that measures of reprisal against prisoners of war are prohibited. He therefore must relate it to someone other than prisoners of war. Under the doctrine of reprisal, as we understand it, any act which is claimed to be justified as a reprisal must be related to a specific and continuing violation of international law on the other side. That is, it is not every casual and incidental violation which justifies wholesale reprisals. If it were, then international law could have no foundation, for a breach on one side, however unimportant, would completely absolve the other from any rules of warfare.

Secondly, anything which is claimed to be justified as a reprisal must follow within a reasonable time and it must be related reasonably to the offense which it is sought to prevent. That is, you cannot by way of reprisal engage in wholesale slaughter in order to vindicate a single murder. Next it must be shown as to the reprisals that a protest was made, as a basis for invoking reprisals. You cannot engage in reprisals

without notice. The reprisal must be noticed and there must be notification by a responsible party of the government.

And next, and most important, a deliberate course of violation of international law cannot be shielded as a reprisal. Specific acts must be reprisals for specific acts under the conditions I have pointed out. You cannot vindicate a reign of terror under the doctrine of reprisals; and so I respectfully submit that the offer of Dr. Stahmer to inquire into the motives of Goering individually, or of all defendants

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collectively, or of Germany, does not meet any legal test. It might be pointed out to the Tribunal by way of mitigation of sentence after conviction, but is not a proper consideration on the question of guilt or innocence of the charges which we have brought to the bar.

THE PRESIDENT: Mr. Justice Jackson, I understood you to agree that this sort of evidence might be relevant in mitigation of sentence?

MR. JUSTICE JACKSON: I think if Your Honors find the defendants guilty, then it comes to the question of sentence, as is our practice. You might find almost anything that a defendant saw fit to urge relevant to the sentence, but I do not take it that Dr. Stahmer is now dealing with the question of offers relevant to that subject. If it is, I should consent that any plea for leniency be heard, of course. It is offered, as I understand it, on the question of guilt.

THE PRESIDENT: That may be so, but the Tribunal may consider it more convenient to hear the evidence now. The Charter, as far as I see, has not provided for any evidence to be given after conviction, if a defendant is convicted. Therefore any evidence which would have to be given in mitigation would be given now.

MR. JUSTICE JACKSON: The difficulty with that, I should think, would be this: that a defendant may very well be found guilty on some counts but not on others. That would require at this time the litigation of the question of sentence, two-thirds of which might be irrelevant because he might not be found guilty on more than one count.

I may be biased in favor of the practice that I know, or at least may be presumed to have some knowledge of. In our procedure the question of guilt is tried first. The question of sentence is a separate subject, to be determined after the verdict. I should think that would be the logical way to proceed here. And I understand that this -- and I think Dr. Stahmer confirms my view -- that this is not offered on the question of sentence. I do not think he concedes he has reached that point yet.

DR. STAHLER: May I briefly comment on the legal question? It is maintained, or at least this side asserts, that violations of international law were committed in France to a large extent by organizing guerrilla warfare. The struggle against these actions, which do not conform to international law, could be carried out by reprisals, as has just been expounded by Mr. Justice Jackson. It is correct that there were certain reasons for the application of reprisals, but in my opinion it is questionable if such ...

THE PRESIDENT: May I ask whether you agree that the conditions which Mr. Justice Jackson stated are accurately stated?

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DR. STAHLER: Yes, but we have to deal here, in my opinion, with the fact of an emergency, caused by conduct violating international law, that is by unleashing guerrilla warfare. This fact justified the army commanders to take general measures in order to remove these conditions brought about illegally. Therefore, at any rate, these facts are of importance for determining the verdict.

THE PRESIDENT: The Tribunal does not propose to hear an unlimited number of the defendants' counsel, but I observe that Dr. Exner is there, and they are prepared to hear one other counsel -- if counsel wish, Dr. Exner -- upon the subject.

DR. FRANZ EXNER (Counsel for Defendant Jodl): May it please the Tribunal. We are indeed, all interested in the question of reprisals, and I would like to say a few words.

For 10 years I have lectured on international law at the university and I believe I understand a little about it. Reprisals are among the most disputed terms of international law. One can say that only on one point there is absolute certainty, namely that point, which Mr. Justice Jackson mentioned first -- "measures of reprisals against prisoners of war are prohibited." Everything else is matter of dispute and not at all valid as international law. It is not correct that it is the general practice in all states, and therefore valid international law, that a protest is a prerequisite for taking reprisals. Neither is it correct that there has to be a so-called reasonable connection. It was asserted that there must be a relation as regards time, and above all a proportionality between the impending and the actually committed violation of international law. There are scholars of international law who assert, and it is indeed so, that it would be desirable that there be proportionality in every case. But in existing international law, in the sense that some agreement has been made to that effect or that it has become international legal usage, this is not the case. It will have to be said therefore, on the basis of violations of international law by the other side, that we under no circumstances make a war of reprisals against prisoners of war, every other form of reprisals is, however, admissible.

I just wanted to state that in general terms; and perhaps I still might say that it has been asserted that we may not speak about reasons for mitigation now. I would like to remind the Tribunal that we are permitted to make only one address, and if in this speech, which takes place before the decision has been reached on the question of guilt, we are not permitted to speak about mitigation, then we would not have any opportunity to speak about it at all.

THE PRESIDENT: The Tribunal will adjourn now.

*[A recess was taken.]*

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THE PRESIDENT: The Tribunal rules that the evidence is admissible on the question of reprisals, and the weight that should be given this or similar evidence will be reserved for future consideration.

DR. STAHLER: Will you please continue?

Goering: I believe that the statement which I am about to make will fulfill those conditions which Justice Jackson has requested; namely, I do not in any way deny that things happened which may be hotly debatable as far as international law is concerned. Also other things occurred which under any circumstances must be considered as excesses. I wanted only to explain how it happened, not from the point of view of international law as regards reprisals, but considering it only from the feeling of the threatened soldier, who was constantly hindered in the execution of his task, not by regular troops in open combat, but by partisans at his back.

Out of all those things which I need not go into any further, this animosity arose which led spontaneously 00 or in certain cases was ordered as a necessity in a national emergency -- to these partial excesses committed here and there by the troops. One must go back to that period of stormy battles. Today, after the lapse of years, in a quiet discussion of the legal basis, these things sound very difficult and even incomprehensible. Expressions made at the moment of embitterment, today, without an understanding of that situation, sound quite different. It was solely my intention to depict to the Tribunal for just one moment that atmosphere in which and out of which such actions, even if they could not always be excused, would appear understandable, and in a like situation were also carried out by others. That was and is my answer to the question why the conditions in France necessitated two entirely different phases of war -- the first, that of the regular fighting, with which I have finished; the second, that of the fighting which was not carried out by regular troops, but by those coming out of hiding, from the underground, which always will and at all times has entailed cruelties and excesses quite different to those of regular military fighting. It often happens here that single actions occur, be it by individuals or by troop units, which the Supreme Command cannot always control or possibly keep in hand.

DR. STAHLER: What measures were taken by the German occupational authorities in France to help French agriculture during the occupation?

Goering: I can reply very briefly, and I refer to the testimony of the witness Korner, which I can only confirm. By that I mean that in France agriculture was tremendously promoted and increased during the period of occupation. A large number of tracts of fallow land or those which had not been put to good agricultural use were

I am unable to give specific explanations as to just what was done and I am not conversant with the figures showing the increase in agricultural production in the course of the occupation years, which could be given only by the responsible experts.

DR. STAHLER: What were the reasons leading to the introduction of Reichskreditkasse notes in the occupied countries?

Goering: A measure which would probably be introduced by every occupying power to regulate money circulation, to keep it in its proper limits, and to keep the country's currency at a certain level, similar to the procedure which today takes place in all occupied zones of Germany.

DR. STAHLER: Document Number 141-PS is a decree of yours issued 15 November 1940 in which you effected a regulation regarding art objects brought to the Louvre. Are you familiar with this decree or shall I hand it to you?

Goering: I remember this document very distinctly as it has played an important part here. These art objects were taken at first to the Louvre and later to the exhibition hall called, I believe, "Salle du Jeu de Paume." This concerned art objects which were confiscated, being Jewish property, that is ownerless property as their owners had left the country. This order was not issued by me, I was not familiar with it; it was a Fuehrer decree. Then, when I was in Paris I heard of this, and heard also that it was intended that most of these art objects would -- as far as they had museum value -- be put into a Linz museum which the Fuehrer contemplated building. Personally, I admit this openly, I was interested that not everything should go to southern Germany. I decided quite sometime before, and informed the Finance Minister about it, that after the war, or at some other time which seemed opportune to me, I would found an art gallery containing the objects of art which I already had in my possession before the war, either through purchase, through gifts, or through inheritance, and give it to the German people. Indeed it was my plan that this gallery should be arranged on quite different lines from those usually followed in museums. The plans for the construction of this gallery, which was to be erected as an annex to Karinhall in the big forest of the Schorfheide, and in which the art objects were to be exhibited according to their historical background and age in the proper atmosphere, were ready, only not executed because of the outbreak of war. Paintings, sculptures, tapestries, handicraft, were to be exhibited according to period. Then, when I saw the things in the Salle du Jeu de Paume and heard that the

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greater part were to go to Linz, that these objects which were considered to be of museum value were to serve only a minor purpose, then, I do admit, my collector's passion got the better of me; and I said that if these things were confiscated and were to remain so, I would at least like to acquire a small part of them, so that I might include them in this North German gallery to be erected by me.

The Fuehrer agreed to this with one reservation, that he himself, should at least see the photographs of those objects which I intended to acquire. In many cases, of course, it so happened that he wished to

earmark those particular objects for himself, that is, not for himself but for his museum in Linz, and I had to give them back. From the beginning, however, I wanted to have a clear distinction made, as I meant to pay for those objects which I wanted to have for the gallery I was going to build. Therefore I ordered an art expert, and not a German but a Frenchman -- it was some professor whose name I do not recall and to whom I never talked -- to value those things. I would then decide whether the price was too high for me, whether I was no longer interested, or whether I was willing to pay the price. One part, the first part, was settled that way, but then the whole thing stopped because some of the objects were sent back and forth; that is, they went back to the Fuehrer and they did not remain with me, and not until the matter was decided could the payment be made. In this decree, which I called a "preliminary decree" and which the Fuehrer would have had to approve, I emphasized that part of the things were to be paid for by me, and those things which were not of museum value were to be sold by auction to French or German dealers, or to whomever was present at the sale; that the proceeds of this, as far as the things were not confiscated but were paid for, was to go to the families of French war victims. I repeatedly inquired where I was to send this money and said that in collaboration with the French authorities a bank account would have to be opened. We were always referring to the opening of such an account. The amount of money was always available in my bank until the end. One day, when I inquired again, I received a surprising answer. The answer was the Reich Treasurer of the Party did not want to have this money paid. I at once answered, and my secretary can verify this on oath, that I could not at all understand what the Reich Treasurer of the Party had to do with this matter and that I wanted to know to which French account I could have this amount transferred. In this case, the Party, that is, the Reich Treasurer, could have no authority to exempt me from paying or not, because I myself had wished to make the payment. Even after France had been occupied again, I once again requested to know the account to which I could remit the amount reserved for it.

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In summarizing and concluding, I wish to state that according to a decree I considered these things as confiscated for the Reich. Therefore I believed myself to be justified in acquiring some of these objects, especially as I never made a secret of the fact -- either to the Reich Minister for Finance or to anybody else -- that these art objects of museum value, as well as the ones I previously mentioned as already in my possession, were being collected for the gallery which I described before.

As far as exchange was concerned, I would like to put this matter straight also. Among the confiscated paintings there were some of the most modern sort, paintings which I personally would not accept and never did, which, however, as I was told, were in demand in the French art trade. Thereupon I said that as far as I was concerned these pictures could also be valued and acquired, in order that they might be exchanged against old masters, in which I am interested. I never exerted any pressure in that direction. I was concerned only as to whether the price asked of me was too high; if so I would not enter into negotiations, but as in every art deal if the offer was suitable I would inquire into the authenticity of what was offered. This much about the exchange; under no circumstances did I exert any pressure.

Later, after I had acquired these objects, I naturally used some of them as well as some of my own for general trading with museums. In other words, if a certain museum was interested in one of those pictures and I was interested, for my gallery, in a picture which was in the possession of that museum, we would make an exchange. This exchange also took place with art dealers from abroad. This did not concern exclusively pictures and art objects of these acquisitions, but also those which I had acquired in the open market, in Germany, Italy, or in other countries or which were earlier in my possession.

At this point, I would like to add that independent of these acquisitions -- and I am referring to the Salle du Jeu de Paume, where these confiscated objects were located -- I, of course, had acquired works of art in the open market in France as in other countries before and after the war, or rather during the war. I might add that usually if I came to Rome, or Florence, Paris, or Holland, as if people had known in advance that I was coming, I would always have in the shortest time a pile of written offers, from all sorts of quarters, art dealers, and private people. And even though most were not genuine, some of the things offered were interesting and good, and I acquired a number of art objects in the open market. Private persons especially made me very frequent offers in the beginning. I should like to emphasize that, especially in Paris, I was rather deceived. As soon as it was known that it

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was for me the price was raised 50 to 100 percent. That is all I have to say briefly and in conclusion in regard to this matter.

DR. STAHLER: Did you make provisions for the protection of French art galleries and monuments?

Goering: I should like to refer at first to the state art treasures of France, that is, those in the possession of the state museums. I did not confiscate a single object, or in any way remove anything from the state museums, with the exception of two contracts for an exchange with the Louvre on an entirely voluntary basis. I traded a statue which is known in the history of art as La Belle Allemande, a carved wood statue which originally came from Germany, for another German wood statue which I had had in my possession for many years before the war, and two pictures -- an exchange such as I used to make before the war with other museums here, and as is customary among museums. Moreover I have always instructed all authorities to do their utmost to protect art objects against destruction by bombs or other war damage. I remember that when the directors of the Louvre told me that most of the things had just been put into the rooms of the so-called Loire castles, I said that I would be willing at their request, and if it seemed necessary with the increased bombing attacks, to help them put these objects into safekeeping at places determined by them, as they complained of not having transportation facilities.

Now I wish to refer to art monuments, which I would call the buildings, churches, and other monuments -- anything of a stationary character. Here I can say that perhaps sometimes I issued an order which stood in contradiction to my strictly military duties, because I strongly emphasized to my fliers that the magnificent Gothic cathedrals of the French cities were, under all circumstances, to be protected and not to be attacked, even if it were a question of troop concentrations in those places; and that if attacks had to be made, precision bombing Stukas were to be used primarily. Every Frenchman

who was present at the time will confirm this, that the peculiar situation arose, be it in Amiens, Rouen, Chartres or in other cities, that the cathedrals -- those art monuments of such great importance and beauty were saved and purposely so, in contrast to what later happened in Germany. There was of course some broken glass in the cathedrals, caused by bomb detonations, but the most precious windows had been previously removed, thank God. As far as I remember, the small cathedral in Beauvais had fallen victim to bombing attacks on the neighboring houses, the large cathedral still is standing. The French Government repeatedly acknowledged recognition of this fact to me. I have no other comment on that point.

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DR. STAHLER: What reasons made you put Colonel Veltjens in charge of centralizing the black market in France?

Goering: Colonel Veltjens was a retired colonel. He was a flier in the first World War. He then had entered business. Therefore, he was not sent there in his capacity as colonel, but as an economist. He was not only in charge of the black market in France, but also of that in Holland and Belgium. It came about in the following manner: After a certain period during the occupation, it was reported to me that various items, in which I was particularly interested for reasons of war economy, could be obtained only in the black market. It was then, for the first time, that I became familiar with the black market, that is that copper, tin, and other vital materials were still available, but that some of them lay buried in the canals of Holland, and had also been carefully hidden in other countries. However, if the necessary money were paid, these articles would come out of hiding, while, on the basis of the confiscation order, we would receive only very little of the raw materials necessary for the conduct of the war. At that time, as during the entire war, I was guided only by intentions and ideas leading toward the ultimate war aim, the winning of victory. It was more important to me to procure copper and tin, just to cite one example, to get them in any case, no matter how high the price might be than not to get them merely because I did not consider such high prices justified. I therefore told Veltjens in rather general terms, "You know in what things German war economy is interested. Where and how you get these things is immaterial to me. If you get them by means of confiscation, that is all the better. If we have to pay a great deal of money to get them, then we shall have to do that too." The unpleasant thing was that other departments, first without my knowing it -- as the French Prosecution has shown here quite correctly -- also tried in the same way to get the same things, in which they also were interested. The thought of now having internal competition as well was too much for me. So, then I gave Veltjens the sole authority to be the one and only office in control as far as the civilian dealers were concerned who insisted they could procure these things only in that other way, and to be the only purchasing office for these articles and, with my authority, to eliminate other offices.

The difficulty of combating the black market is the result of many factors. Afterwards, at the special request of Premier Laval, I absolutely prohibited the black market for Veltjens and his organization as well. But in spite of this it was not thereby eliminated, and the statement of the French Prosecution

confirms my opinion that the black market lasted even beyond the war. And as far as I know it is again flourishing here in Germany today to the widest

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extent. These are symptoms which always arise during and after a war when there is on the one hand a tremendous scarcity and holding back and hiding of merchandise and on the other hand the desire to procure these things.

DR. STAHLER: Shall I stop now?

THE PRESIDENT: Dr. Stahmer, the Tribunal understood from you that the witness would probably -- that the defendant would probably finish his examination in chief at midday today. Can you now tell me how much longer you think the defendant will be with his testimony?

DR. STAHLER: I had counted on being able to finish this morning, but there were several interruptions, and I hope to finish during the course of the day.

THE PRESIDENT: There was no interruption with the exception of that one interruption with reference to Mr. Justice Jackson's objection as to reprisals. There was no other interruption that I remember.

DR. STAHLER: Yes, there was a technical disturbance earlier.

THE PRESIDENT: Yes. Then the Tribunal will sit tomorrow morning from 10 to 1.

*[The Tribunal recessed until 1400 hours.]*

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### ***Afternoon Session***

DR. STAHLER: What were the reasons that led to the attack on Yugoslavia?

Goering: Germany, during all the years before the beginning of the war, had the very best of relations with the Yugoslav people and the Yugoslav Government. It was part of my foreign political task to cultivate these relations especially. Since the Regent, Prince Paul, and Prime Minister Stojadinovic were personal friends of mine, I often visited the country and also spent a long vacation there.

It was our intention to have not only the best economic relations by each complementing the other, but also beyond that to come to a close political understanding and friendship. This was successful to the fullest extent and found its climax in the return visit which the Regent, Prince Paul, made to Germany.

Since at the same time I also had similar friendly relations with King Boris of Bulgaria, I was able to exert a stabilizing influence here too, and at times also in regard to Italy. My intervention in behalf of Yugoslavia even caused there, for a time, a certain misapprehension where I was concerned.

After the outbreak of the war everything was likewise avoided which could cause anything but friendly relations with Yugoslavia. Unfortunately Prime Minister Stojadinovic resigned, but his successor followed the same policy.

The entering into the Three Power Pact had the purpose of maintaining Yugoslavia's neutrality under all circumstances and of not drawing her into the war. Even at the time when the pact was signed one recognized the necessity for sending troops to Romania as a precautionary measure, and also to Greece because of the English landing there or the impending English landing. In spite of that agreement it was expressly provided that no troop transports should go through Yugoslavia, so that the neutrality of that country after its entry into the Three Power Pact would be confirmed in every way.

When Premier Cvetkovic came to power, General Simovic's revolt against the government of the Prince Regent and the accession to the throne of the King, who was still a minor, followed shortly after. We very quickly learned, through our close relations with Yugoslavia, the background of General Simovic's revolt. Shortly afterwards it was confirmed that the information from Yugoslavia was correct, namely, that a strong Russian political influence existed, as well as extensive financial assistance for the undertaking on the part of England, of which we later found proof. It was clear that this venture was directed against the friendly policy of the previous Yugoslav Government toward Germany. It must be

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mentioned here that in later press statements it was pointed out by the Russian side how strong their influence had been and for what purpose this undertaking had been executed.

The new Yugoslav Government, quite obviously and beyond doubt, stood visibly in closest relationship with the enemies we had at that time, that is to say, England and, in this connection, with our enemy to be, Russia.

The Simovic affair was definitely the final and decisive factor which dispelled the very last scruples which the Fuehrer had in regard to Russia's attitude, and caused him to take preventive measures in that direction under all circumstances. Before this Simovic incident it is probable that, although preparations had been undertaken, doubts as to the inevitable necessity of an attack against Soviet Russia might have been pushed into the background. These clear relations between Moscow and Belgrade, however, dispelled the Fuehrer's very last doubts. At the same time it was evident that Yugoslavia, under the new government, was merely trying to gain time for massing her troops, for the very night the revolt was undertaken secret and shortly afterwards official orders for mobilization were issued to the Yugoslav Army.

In spite of the assurances which Simovic gave Berlin, that he would feel himself bound to the agreement or something like that, the maneuver could easily be seen through.

The situation was now the following: Italy, our ally, had at the time attacked Greece, advancing from Albania in October or September 1940, if I remember correctly. Germany had not been informed of this venture. The Fuehrer heard of this undertaking through me on the one hand, who had by chance

learned of it, and also through the Foreign Office, and he immediately rerouted his train, which was on the way from France to Berlin, in order to speak to the Duce in Florence.

The Italian Government, or Mussolini himself, saw very clearly at this moment why the Fuehrer wanted to talk to him, and as far as I remember the order to the Italian Army to march from Albania to Greece was therefore released 24 or 48 hours before originally scheduled. The fact is that the Fuehrer, in his concern to prevent under all circumstances an expansion of the conflict in the Balkans and the eastern Mediterranean, wanted to urge the Duce to forego such plans, which were not necessary, but were undertaken only for reasons of prestige.

When the meeting took place at 10 o'clock in the morning and the Fuehrer had mentioned his misgivings, Mussolini actually declared that since 6 o'clock of that morning the Italian troops had already been advancing through Greece and, in his opinion, would shortly be in Athens. The Fuehrer pointed out again that this

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would mean that under certain circumstances relations with Turkey would also be most seriously endangered and another theater of war would be created, since he well knew, although he did not mention it at that time, that an Italian theater of war sooner or later would mean drawing on the German ally for help.

That actually was the situation at the outbreak of the attack on Yugoslavia. Italy, stopped and thrown back, was left in a most unfavorable position strategically and tactically while still facing the Greek enemy. If only a part of the Yugoslav Army moved against the flank and the rear of the Italian Skutari position, then not only would Italy be eliminated there, but also an essential part of the Italian fighting forces would be destroyed. It was clear that the position of these Italian fighting forces would soon be hopeless, since because of the landing of British auxiliary troops in Greece it was to be expected that as soon as they came to the aid of the Greeks the Italian Army would not only be thrown out of Greece, where they were standing merely at the border, but also out of Albania; and the British troops would then be in dangerous proximity to Italy and the Balkans, which were economically of decisive importance for us.

By means of the Simovic revolt and the mobilization of Yugoslavia the elimination of the Italian Balkan armies would have been achieved. Only the quickest action could prevent a two-fold danger: first, a catastrophe befalling our Italian ally; and second, a British foothold in the Balkans, which would be detrimental to a future vantage point in the conflict with Russia.

The German troops which were on the march for "Operation Marita," Greece, which were to march against Greece in order to throw back into the Mediterranean those British divisions which had landed, and to relieve the rear of the Italian ally, were turned with the spearhead to the right, and with accelerated, short-notice preparations for attack, they were thrown into the flank of the massed Yugoslav troops. The Air Force was called from its airfields in Germany within a very short time and

assembled at the airfields in the southeast area, which was easily possible, and was also used to support the attack. Only by such quick action, and due to the fact that the basic conditions had been provided by Operation Marita, was Germany able to stave off an extraordinary danger to her entire position in the Balkans and in the southeast area at that moment. Politically and from a military point of view it would have been a crime against the State as far as the vital German interests were concerned, if in that case the Fuehrer had not acted as he did.

DR. STAHLER: What targets did the Air Force attack in Yugoslavia first?

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Goering: I have just explained the very particular situation of the German Armed Forces at the outbreak of this war and the problems which had to be solved with extraordinary speed and the likewise extraordinary results which had to be attained in order to carry out their original task, which was the piercing of -- I do not remember the name now -- the Metaxas line in northern Greece before English troops, which had already landed near Athens, could come to the support of the Greek garrisons along the Metaxas line.

Therefore there was first of all an order for a concentrated smaller part of the German forces to penetrate that line, while the other part, as planned, had to throw itself upon the Yugoslav Army and, here too with insufficient forces in the shortest possible time, had to eliminate this army. That was a necessary condition for the success of the whole thing.. Otherwise not only would the Italian Army surely be destroyed, but the German Army, thus divided, with a part of its forces advancing in Yugoslavia -- the Bulgarian support came much later -- another part breaking through the strong Metaxas Line in time to prevent the English deployment there, might get itself into a very difficult and critical, and perhaps disastrous military position. Therefore the Air Force had, in this case, to be employed with the greatest effect, in order that the Yugoslav action of deployment against Germany and her ally should be stopped as quickly as possible.

Therefore there was first of all an order for a concentrated attack upon the Yugoslav Ministry of War in Belgrade, and secondly, upon the railroad station, which in Belgrade particularly, in view of the small number of Yugoslavian railroad lines, was a special deployment junction. Then there were several other rather important centers, the General Staff building, et cetera, included in the order because, at that time, the political and military headquarters were still located in Belgrade. Everything was still concentrated there, and the bombing of that nerve center at the very beginning would have an extraordinary paralyzing effect on the further deployment of the resistance.

A warning to Yugoslavia was not necessary for the following reasons. Strictly speaking the objection might be raised that we did not send a declaration of war or a warning. Actually, however, none of the leading men in Yugoslavia had the least doubt but that Germany would attack. That was recognized, for they had feverishly busied themselves with deployment, and not only with mobilization. Moreover the attacks of the German Army were made before the bombing of Belgrade. But even assuming that the

Air Force had made the first attack and only then the Army -- that is, without warning -- Yugoslavia's actions and the extraordinary danger of the

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military situation would have demanded that. We were already in the midst of the most severe battle. It was a question of securing the Balkans on both sides and holding them firmly. The targets -- and I emphasize this once more -- were, as I remember exactly, the Ministry of War, the railroad station, the General Staff building, and one or two other ministries. The city, of course, since these buildings were spread about within the city, was also affected by the bombardment.

DR. STAHLER: During the last days we have heard here repeatedly about the aerial attacks on Warsaw, Coventry, and Rotterdam. Were these attacks carried out beyond military necessity?

Goering: The witnesses, and especially Field Marshal Kesselring, have reported about part of that. But these statements made me realize once more, which is of course natural, how a commander of an army, an army group or an air fleet really views only a certain sector. As Commander-in-Chief of the Air Force, however, I am in a position to view the whole picture, since I, after all, was the man responsible for issuing orders, and according to my orders and my point of view the chiefs of the fleets received their instructions and directives as to what they had to do.

Warsaw: First of all I should like to make clear the statement that on the first morning of the attack on Poland, a number of Polish cities, I believe the British prosecutor mentioned their names, were attacked. I do not remember their names any more. In my instructions for the first day of the attack on Poland it says specifically, first target: destruction and annihilation of the enemy air force. Once that had been achieved the other targets could be attacked without further delay. Therefore I gave the order to attack the following airfields -- I am certain, without having the names at hand just now, that 80 percent of the names mentioned were cities near which there were air bases. The second main target, which was however to be attacked only to a slight extent on the first day, or with the first main blow, were railroad junctions of first importance for the marshaling of larger troop units. I would point out that shortly before the last and decisive attack on Warsaw, an air attack, about which I will speak in a minute, the French military attache in Poland sent a report to his government which we are in a position to submit here, which we found later in Paris, from which it can be seen that even this opponent declared that the German Air Force, he had to admit, had attacked exclusively military targets in Poland, "exclusively" particularly emphasized.

At first Warsaw contained only one, two targets, long before -- "long before" is the wrong expression because it took place quickly -- in other words, before the encirclement of Warsaw. That was the

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Okecie airfield, where the main enemy Polish air force was concentrated, and the Warsaw railroad station, one of the main strategic railroad stations of Poland. However, these attacks discussed were not the decisive ones; after Warsaw was encircled, it was asked to surrender. That surrender was refused. On the contrary I remember the appeals which urged the entire civilian population of Poland as well as the inhabitants of Warsaw to offer resistance, not only military but also resistance as civilians, which is contrary to international law, as is known. Still we gave another warning. We dropped leaflets at first, not bombs, in which we urged the population not to fight. Secondly, when the commanding officer persisted in his stand, we urged the evacuation of the civilian population before the bombing.

When a radio message was received that the commanding officer wanted to send a truce emissary we agreed, but waited for him in vain. But then we demanded that at least the diplomatic corps and all neutrals should leave Warsaw on a road designated by us, which in fact was done.

Then, after it was clearly stated in the last appeal that we would now be forced to make a heavy attack on the city if no surrender took place, we proceeded to attack first the forts, then the batteries erected within the city and the troops. That was the attack on Warsaw.

Rotterdam: In Rotterdam the situation was entirely different. In order to terminate the campaign in the Netherlands as quickly as possible and thereby avoid further bloodshed for a people with whom we had no basic differences, but had to carry through this campaign only for the previously mentioned reasons, I had suggested the use of the parachute division in the rear of the entire Dutch forces deployed against Germany, especially in order to capture the three most important bridges, one near Moerdijk across the Rhine, the other near Dordrecht, and the third near Rotterdam. Thereby from the beginning the way would be paved in the rear of the entire troop deployment and, were we to succeed, the Dutch Army with all its valor could only hold out for a few days. This attack or landing of my parachute division on the three bridges proved entirely successful.

While at Moerdijk and Dordrecht resistance was overcome quickly, the unit at Rotterdam got into difficulty. First it was surrounded by Dutch troops. Everything hinged on the fact that the railroad bridge and the road bridge, which were next to each other, should under all circumstances fall into our hands without being destroyed, because then only would the last backdoor to the Dutch stronghold be open. While the main part of the division was in the southern section of Rotterdam, a few daring spearheads

of the parachutists had crossed both bridges and stood just north of them, at one point in the railroad station, right behind the railroad bridges north of the river, and the second point within a block of houses which was on the immediate north side of the road bridge, opposite the station and near the well-known butter or margarine factory which later played an important role. This spearhead held its position in spite of heavy and superior attacks.

In the meantime a German panzer division approached Rotterdam from the outside via the Moerdijk and Dordrecht bridges, and here I would like to correct a misapprehension which arose in the crossexamination of Field Marshal Kesselring by Sir David Maxwell-Fyfe concerning persons involved. Lieutenant General Schmidt belonged to this group which came from the outside and led the panzer troops. General Student led the parachute division which was in Rotterdam, that is, inside, and that explains the fact that at one time there were negotiations for capitulation with the German commander of the troops coming from the outside, and at another time surrender negotiations with the general commanding the parachute troops within the city. Both were later co-ordinated. I do not want to go into details here as to whether clear agreements were arrived at -- examining this chronologically one can trace it down to the very minute -- and whether it could be seen at all that capitulation would come about or not; this of course, for the time being concerned Rotterdam alone. At that time the group north of the two bridges was in a very precarious and difficult position. Bringing reinforcements across the two bridges was extremely difficult because they were under heavy machine gun fire. To this day I could still draw an exact picture of the situation. There was also artillery fire, so that only a few individual men, swinging from hand to hand under the bridge, were able to work their way across, in order to get out of the firing line -- I still remember exactly the situation at that bridge later on.

It had been ordered that the batteries standing north of the station, and also the Dutch forces on the road leading north between the station and the butter factory, which presented a great handicap to our shock troops, were to be bombed. For at that moment the parachute troops had no artillery, and bombing was the only sort of artillery available for the parachute troops, and I had assured my parachutists before the venture that they would under all circumstances receive protection by bombers against heavy fire. Three groups of a squadron were used. The call for help came over the radio station of the paratroopers in Rotterdam, which did not function as well as has been claimed here, and also from the clearly exhibited and agreed upon ground signals which the reconnaissance planes brought back. These were signs such as arrows, indicators,

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and letters which intimated to the reconnaissance fliers: "We are pressed by artillery from the north, east, south, et cetera."

Thereupon I ordered the air fleet to use one squadron. The squadron started in 3 groups, about 25 to 30 or 36 planes. When the first group arrived, as far as I know, the surrender negotiations were in progress, but to no clearly defined end. In spite of that red flares were sent up. The first group did not grasp the significance of these flares but threw their bombs as agreed upon, exactly in that area, as had been ordered. If I remember the figures correctly, there were at the most 36 twin-motored planes which released mainly 50-kilo bombs. The second and third groups which followed understood the red signals, turned around, and did not drop their bombs.

There was no radio connection between Rotterdam and the planes. The radio connection went from Rotterdam by way of my headquarters, Air Fleet 2, to the division, from division to squadron ground

station, and from there there was a radio connection to the planes. That was in May 1940, when in general the radio connection between ground station and planes was, to be sure, tolerably good but in no way to be compared with the excellent connections which were developed in the course of the war. But the main point was that Rotterdam could not communicate directly with the planes and therefore sent up the signals agreed upon, the red flares, which were understood by Groups 2 and 3, but not by group 1.

The great amount of destruction was not caused by bombs but, as has been said, by fire. That can best be seen from the fact that all the buildings which were built of stone and concrete are still standing in the ruined part, while the older houses were destroyed. The spread of this fire was caused by the combustion of large quantities of fats and oils. Secondly -- I want to emphasize this particularly -- the spread of this fire could surely have been prevented by energetic action on the part of the Rotterdam fire department, in spite of the storm coming up.

The final negotiations for capitulation, as far as I remember, took place not until about 6 o'clock in the evening. I know that, because during these surrender negotiations there was still some shooting going on and the paratroopers' general, Student, went to the window during the surrender negotiations and was shot in the head, which resulted in a brain injury.

That is what I have to say about Rotterdam in explanation of the two generals and their surrender negotiations, one from within and one from without.

Coventry: After the period from 6 or 7 September to November, after repeating warnings to the English Government, and after the Fuehrer had reserved for himself the right to give the order for

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reprisal attacks on London -- and had long hesitated to give this order -- and after German cities which were not military objectives had been bombed again and again, then London was declared a target for attack. From 6 and 7 September -- the first attack was on the 6 September in the afternoon -- the German Luftwaffe pounded London continuously. Although this seemed expedient for reasons of retaliation and for reasons of political pressure on the part of the political leadership, I did not consider it of ultimate value.

I do not wish to be misunderstood when I say that I knew from the first World War that the people of London can take a great deal and that we could not break their military resistance in this manner. It was important to me, first of all, to prevent an increase in the defense power of the British Air Force. As a soldier or, better said, as Commander-in-Chief of the German Luftwaffe, the weakening and elimination of the enemy air force was a matter of decisive importance for me.

Although the Fuehrer wanted, now as before, to see London attacked, I, acting on my own initiative, made exact preparations for the target of Coventry because, according to my information, there was located in and around Coventry an important part of the aircraft and aircraft accessories industry.

Birmingham and Coventry were targets of most decisive importance for me. I decided on Coventry because there the most targets could be hit within the smallest area.

I prepared that attack myself with both air fleets, which regularly checked the target information -- and then with the first favorable weather, that is, a moonlit night, I ordered the attack and gave directions for it to be carried out as long and as repeatedly as was necessary to achieve decisive effects on the British aircraft industry there. Then to switch to the next targets in Birmingham and to a large motor factory south of Weston, after the aircraft industry, partly near Bristol and south of London, had been attacked.

That was the attack on Coventry. That here the city itself was greatly affected resulted likewise from the fact that the industry there was widely spread over the city, with the exception of two new plants which were outside the city, and again in this case the damage was increased by the spreading of fire. If we look at German cities today, we know how destructive the influence of fire is. That was the attack on Coventry.

DR. STAHLER: In the year 1941, negotiations took place about collaboration with Japan. Were you present at these negotiations?

Goering: I myself did not take part in the negotiations. I can say very little about negotiations with Japan because from a military point of view I had very little to do with Japan and seldom

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met the Japanese. During the entire war only once, and for a short time, I received a delegation of Japanese officers and attaches. Therefore, I cannot say anything about collaboration with Japan. We were instructed to exchange experiences, war experiences, with the Japanese, but that went through the various offices. Personally had nothing to do with the Japanese.

DR. STAHLER: When were you first informed that Hitler thought a war against Russia necessary?

Goering: It was not until the late fall of 1940, in Berchtesgaden, that I was informed about the intentions of the Fuehrer to enter into conflict with Russia under certain circumstances.

DR. STAHLER: Were you present at the conversation, which took place in Berlin in November 1940 with the Russian Foreign Minister, Molotov?

Goering: I personally was not present at the conversation between Hitler and Molotov. Mr. Molotov, however, also paid me a visit, and we discussed the general situation. I know, of course, about the conversation with Molotov, because the Fuehrer informed me about it in detail. It was just this conversation which very much increased the Fuehrer's suspicion that Russia was getting ready for an attack upon Germany, and this was brought out during this discussion by the remarks and demands which Mr. Molotov made.

These were, firstly, a guarantee to Bulgaria, and a pact of assistance with Bulgaria, such as Russia had made with the three Baltic states.

Secondly, it involved the complete abandonment of Finland by Germany, to such an extent that Russia, who had signed a peace with Finland a short time ago, thought herself justified in attacking Finland again in order not to have to acquiesce in the results of the previous agreements, Hango, et cetera.

Thirdly, it dealt with discussions about the Dardanelles and the Bosphorus; and the fourth point was the possibility of penetration into Romania beyond Bessarabia.

These were the points which were discussed with the Fuehrer. There was also a hint to the Foreign Minister about an occupation, or securing of interests, at the exit of the Baltic.

The Fuehrer viewed these demands in a different light. Although Russia might have been justified in making demands to Germany concerning Finland, he believed, that in connection with other reports which he had received about Russian preparations and deployment of troops, Russia wanted to strengthen her position in Finland, in order to outflank Germany in the north and to be in immediate proximity to the Swedish ore mines, which were of vital

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or at least very decisive importance to Germany in this war. Secondly, as to the advance, as demanded, into the Romanian and Bulgarian area, the Fuehrer was not at all sure that this pressure would continue in the south, that is, the Dardanelles, or in a near-easterly direction, but rather in a westerly direction; that is to say, that here also Russia might push into the southern flank of Germany and, by getting control of the Romanian oil fields, make Germany absolutely dependent on Russia for deliveries of oil. In these demands he saw the camouflaged attempts to deploy troops and obtain troop positions against Germany. The suggestion of securing an outlet to the Baltic did not even come up for discussion, as far as Germany was concerned, at that time. Altogether that conversation caused the Fuehrer to feel that further relations were being menaced by Russia.

Already in his discussion with me the Fuehrer told me why he was thinking about anticipating the Russian drive under certain circumstances. The information about feverish work on deployment preparations in the area newly acquired by Russia, Poland, Lithuania, Latvia, Estonia, and Bessarabia, made him extremely suspicious. Until then we had sometimes only 8, later 20 and 25 divisions along the entire eastern border. Further reports came that Russia might be expected to attack us from the rear as soon as Germany had gone to war in the West, either because of an invasion by Britain or because Germany on her part had decided to invade England. His arguments were strengthened even more by the fact that shortly before, contrary to anything practiced in Russia before this, engineers, and, I believe, also officers of ours, that is, Germans, were suddenly shown the tremendous Russian armament works of the aviation and tank industry. These reports about the surprisingly high production capacity of these armament works further strengthened the Fuehrer's conviction. He was so firmly convinced because, he said -- and this was his political reflection -- if England still will not consider coming to an agreement with us, although she now stands alone against us, she must have something at the back of her mind. He had information that Prime Minister Churchill had pointed out two things to worried elements in England.

First, that increased support by the United States could be expected, first of all in the technical field, that is, with respect to armaments, and then extending to other fields; and, secondly, which he considered even more probable, that Churchill had already come to an understanding with Russia in that direction, and he pointed out that here sooner or later there would be a clash. His calculations were the following: Before the United States could be ready with her armaments and the mobilization of her army, he would have to smash the Russian troop concentrations, and break down and weaken the Russian forces to such an extent by strong concentrated attacks, that they would not represent a danger in the rear if he had to

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enter into an English-American conflict on the Continent. These were the explanations of the Fuehrer.

Then came the visit of Molotov, which I just mentioned and which enhanced this point of view considerably.

DR. STAHLER: What was your attitude toward an attack on Russia at that time?

Goering: At first I was very much surprised at the time and asked the Fuehrer to give me a few hours to state my view. It came entirely as a surprise to me. Then in the evening, after this conversation had taken place in the afternoon, I told the Fuehrer the following:

I urged him most particularly not to start a war against Russia at that moment, or even a short time after; not that I was moved by considerations of international law or similar reasons; my point of view was decided by political and military reasons only. First, at all times since the seizure of power I, perhaps of all the leading men in Germany, was the only one who always considered conflict with Russia as a threatening menace to Germany. I knew -- and many others with me -- that for over 10 years an exceedingly strong rearmament and training program had been in effect in Russia, that the standard of living had been lowered in all other fields in favor of one single tremendous rearmament. The deliveries made by German industry and examination of the deliveries made by the American, British, and other industries always showed clearly that they consisted only of such machines as were directly or immediately necessary for a gigantic industrial rearmament program. One could thereby estimate the speed and the size of the Russian rearmament. If Germany had now developed in the way of communism, then of course the Russian rearmament, in my opinion, would have been directed against other danger. But since we had come to power, the inner political and ideological contrast naturally played, in my opinion, a menacing part. I have come to understand that such contrasts do not necessarily have to lead to conflicts between countries, because the political interests of nation and state will always be stronger and greater than all ideological contrasts or agreements. But here also I saw a menace, because what did this tremendous Russian rearmament signify at a time when Germany before the seizure of power, was impotent? I now told the Fuehrer that in spite of this basic attitude I always feared this danger from Russia and had always recognized it, but that I was asking him rather to leave this danger in abeyance and, if at all possible, to direct Russia's interests against England.

And indeed I said to him:

"We are at present fighting against one of the greatest world powers, the British Empire. If you, my Fuehrer, are not of

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exactly the same opinion, then I have to contradict you, because I am definitely of the opinion that sooner or later the second great world power, the United States, will march against us. This will not depend on the election of President Roosevelt; the other candidate will also not be able to prevent this. Then we shall be at war against two of the largest world powers. It was your masterstroke at the beginning of the war to make possible a one-front war; you have always pointed that out in your *Kampf*. In the case of a clash with Russia at this time, the third great world power would be thrown into the struggle against Germany. We would again stand alone, against practically the entire world; the other nations do not count. And again we would have two fronts."

And he replied,

"I fully appreciate your arguments. I appreciate the Russian menace more than anybody else, but if we should succeed in executing our plans as prepared in the fight against the British Empire, and if these were only half-way successful, Russia would not launch her attack. Only if we should become deeply involved in a serious conflict in the West would I be of your opinion, that the Russian menace would increase enormously."

I was even of the opinion that the quick assent of the Russians to the settlement of the Polish crisis was given in order that Germany, free from that side, would be all the more likely to get into this conflict, because the German-French-British conflict would come about thereby, and it would be entirely understandable, as far as Russian interests were concerned, to bring about this conflict and come out of it as well as before. I furthermore told the Fuehrer that, according to my reports and evidence, Russian rearmament would reach its climax in the year 1942-43, or perhaps even in 1944. Before then we should, however, succeed, if not in achieving a peace by victory on our part, at least in coming to an arrangement with England. This, however, would be possible only if decisive successes were achieved against England. At that time the German Air Force with all its weight was being employed in the attack on England. If now a new front should be formed for an attack on Russia, a considerable part of these air forces, more than half, two-thirds, would have to be diverted to the East. For practical purposes an energetic air attack on England would thereby cease. All the sacrifices up to that time would be in vain; England would be given a chance to reorganize and build up her shattered aircraft industry undisturbed.

Much more decisive than these considerations was the fact that with a deployment of that kind against Russia, my plan, which I had

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submitted to the Fuehrer, to attack England at Gibraltar and Suez, would have to be dropped more or less finally. The attack on Gibraltar was so methodically prepared by the Air Force that, according to all human expectations, there could be no failure. The British air force stationed there on the small airfield north of the Rock of Gibraltar was of no importance. The attack of my paratroopers on the Rock would have been a success. The simultaneous occupation of the other side, the African side, and a subsequent march on Casablanca and Dakar would at least have been a safeguard against America's intervention -- a campaign, such as later took place in North Africa. To what extent beyond this, by agreement, the Cape Verde Islands could still be used, was an open question. It is obvious what it would have meant to be established with aircraft and submarines at North African bases and to attack all the convoys coming up from Capetown and South America from such favorable positions. Even if the Mediterranean had been closed in the west, it would not have been difficult, by pushing across Tripoli, to bring the Suez project to a conclusion, the time and success of which could be calculated in advance.

The exclusion of the Mediterranean as a theater of war, the key point Gibraltar -- North Africa down to Dakar -- Suez, and possibly extended further south, would have required only a few forces, a number of divisions on the one side and a number of divisions on the other, to eliminate the entire insecurity of the long Italian coast line against the possibility of attack.

I urged him to put these decisive considerations in the foreground and only after the conclusion of such an undertaking to examine further the military and political situation with regard to Russia. For, if these conditions were brought about, we would be in a favorable position in the case of an intervention by the United States, a flanking position. I explained to him all these reasons in great detail and pointed out to him again and again that here we would be giving up something relatively secure for something still insecure, and that, after securing such a position, there would be much more of a prospect of coming, under certain circumstances, to an arrangement with England at a time when the two, both armed, would be standing opposite each other, the one on this, the other on that side of the Channel. These were my reasons for delaying the date, and I also told him that increased successes in this direction might enable us to steer Russian preparations politically, where possible, into other channels, against our enemies of the moment. I emphasize, however, that the Fuehrer, restrained by considerations of caution, at first made only general preparations and was going to hold in reserve, as he told me at the time, the

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actual attack; and the final decision was not taken until after the Simovic revolt in Yugoslavia.

THE PRESIDENT: We will adjourn now.

*[A recess was taken.]*

DR. STAHLER: The Prosecution has submitted Document Number 376-PS, notes of 29 October 1940, Paragraph 5 of which states the following: "The Fuehrer concerns himself with the question of a later war with America and with an examination of the occupation of the Atlantic islands."

What can you say about this?

Goering: I am very well acquainted with this document because it has been submitted to me here. It concerns a letter which the representative of the Luftwaffe in the OKW, the then Lieutenant Colonel Von Falkenstein, wrote to the chief of the General Staff of my Air Force. It is a study of, it refers to those points which I have just set forth, namely the occupation of Gibraltar, North Africa, and perhaps also the Atlantic Islands -- first as a combat base against England, our enemy at that time, and, secondly, in case America entered the war, to have a better flanking position against her convoys. But this was just a General Staff note. At that time I had already of my own accord, without having spoken to the Fuehrer beforehand, made my military investigation of the possibility of carrying out such an undertaking. It is, therefore, of no consequence.

DR. STAHLER: In this connection I have a further question. An organization plan for the year 1950 prepared by a Major Kammhuber has been submitted here.

Goering: This question also may be answered briefly. I am familiar with this document, for on two or three occasions it has been mentioned by the Prosecution. Consultation with an expert general staff officer of any one of the powers represented would prove immediately that this document is of secondary value. It is simply a General Staff study, by the subordinate Organization Section, in order to work out the best scheme for a leadership organization. It was a question of whether one should concentrate on air fleets or land fortifications. It was a question of whether mixed squadrons consisting of bombers and fighters, or squadrons consisting only of bombers, or of fighters, should be used, and other such questions which are always being dealt with by the offices of a general staff, independent of war and peace. That such studies must of course be based on certain assumptions which are in the realm of strategic possibility, must be taken for granted. In this case the Major took as a basis the situation around or until

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1950, a two-front war, which was not entirely beyond all probability, namely, a war on the one side with England and France in the west, and on the other side with Russia in the east. The basic assumption was that Austria and Poland were in our own hands, and so on. This study never reached me. I have just become acquainted with it here. But that is of no significance because it was made in my ministry and in my general staff and was therefore also made on my orders. For I placed such tasks within the general framework of having organization, leadership, and composition constantly tested by maneuvers and examples. This is completely irrelevant to the political evaluation and completely out of place in the framework of this Trial.

DR. STAHLER: Several days ago reference was made to a speech which you are said to have made to Air Force officers, in which you said that you proposed to have such an air force that, once the hour had struck, it would fall like an avenging host on the enemy. The opponent must have the feeling of having lost before he ever started fighting with you. I shall have this speech submitted to you and I would like you to tell us whether this speech was known to you and what its purpose was?

Goering: This quotation has been used by the Prosecution twice. Once in the beginning and the second time, the other day, in the cross-examination of Field Marshal Milch. This concerns a speech which appeared in a book by me called *Speeches and Compositions* which has already been submitted to the Tribunal as evidence. The speech is called "Comradeship, Fulfillment of Duty, and Willingness to Sacrifice," an address to 1,000 flight lieutenants on the day they took their oath in Berlin on 20 May 1936.

Here I was explaining at length to thousands of young flyers, the day they became commissioned officers, the concepts of comradeship, fulfillment of duty, and willingness to sacrifice. This quotation had been completely removed from its context. I therefore take the liberty of asking the Tribunal's permission, to read a short preceding paragraph, so that it will be seen in the right context, and I also request to be allowed to portray the atmosphere. Before me stand 1,000 young flight lieutenants full of hope, whom I now had to imbue with the appropriate fighting spirit. That has nothing to do with an offensive war, but the important thing was that my boys, should it come to war, this way or that, should be brave fellows and men with a will to act. The short quotation before this one is as follows:

"I demand of you nothing impossible. I do not demand that you should be model boys. I like to be generous. I understand that youth must have its follies, otherwise it would not be youth. You may have your pranks, and you will get your

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ears boxed for it. But that is not the decisive factor. The decisive factor is rather that you should be honorable, decent fellows, that you should be men. You can have your fun as much as you wish, but once you get into the plane you must be men, determined to smash all resistance. That is what I demand of you, brave, daring fellows."

Then comes the paragraph, which has just been read. "I have visions" ... "of possessing a weapon" ... "which shall come like an avenging host against the foe." That has nothing to do with vengeance, for "an avenging host" is a terminus technicus, a usual term, in Germany. I might just as well have said that the opponent would use another word to express the same thing. I shall not read any further here, for these words, if I were to read them, would be readily understandable; one has to realize to whom I was speaking.

DR. STAHLER: To what extent did you assist in the economic and military preparation of Case Barbarossa?

Goering: As Commander-in-Chief of the Air Force I naturally took all the measures which were necessary in the purely military field for the preparation of such a campaign. Consent or refusal, as I have already recently explained.... I took the obvious military preparations which are always necessary in connection with a new strategic deployment, and which every officer was in duty bound to carry out, and for which the officers of the Air Corps received their command from me. I do not believe that the Tribunal would be interested in the details as to how I carried out the deployment of my air fleet. The

decisive thing at the time of the first attacks was, as before, to smash the enemy air arm as the main objective. Independent of the purely military preparations, which were a matter of duty, economic preparations seemed necessary according to our experiences in the previous war with Poland, and in the war in the West; and doubly necessary in the case of Russia, for here we encountered a completely different form of economic life from that in the other countries of the Continent. Here it was a matter of state economy and state ownership; there was no private economy or private ownership worth mentioning. That I was charged with this was again a matter of course resulting from the fact that I, as Delegate for the Four Year Plan, directed the whole economy and had to provide the necessary instructions. I had therefore instructed the War Economy Staff to formulate a general economic plan for the invasion, in consultation with economic experts on Russia, especially as we had to expect that with our advance, Russia, according to long-established procedure, would destroy large parts of its economy. The result of these prepared economic mobilization studies was the so-called "Green File." I am of the opinion that in every future war, as in past wars on other

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sides, there must always be an economic mobilization besides a military and political mobilization; otherwise one would get into very unpleasant situations.

The Green File has been cited repeatedly, and also here some of the quotations have been torn from their context. In order to save time I do not wish to read further passages from this Green File. That can perhaps be done when documentary evidence is given. But if I were to read the whole Green File from beginning to end, from A to Z, the Tribunal would see that this is a very useful and suitable work for armed forces which have to advance into a territory with a completely different economic structure; the Court will also realize that it could be worked out only that way. This Green File contains much positive material, and here and there a sentence which, cited alone, as has been done, gives a false picture. It provides for everything, among other things for compensation. If an economy exists in a state, when one enters into war with that state, and if one then gains possession of that economy, it is to one's interest to carry out this economy only insofar, of course, as the interests of one's own war needs are concerned -- that goes without saying. But in order to save time I shall dispense with the reading of those pages which would exonerate me considerably for, I am stating, as a whole as it is, that our making claims on the Russian state economy for German purposes, after the conquest of those territories, was just as natural and just as much a matter of duty for us as it was for Russia when she occupied German territories, but with this difference, that we did not dismantle and transport away the entire Russian economy down to the last bolt and screw, as is being done here. These are measures which result from the conduct of war. I naturally take complete responsibility for them.

DR. STAHLER: A document has been submitted as Document Number 2718-PS, and this reads as follows:

"Memorandum concerning the result of today's conference with the state secretaries in regard to Barbarossa.

"1. The war can be continued further only if the entire Armed Forces can be supplied with food by Russia in the third year of war.

"2. Millions of people will hereby doubtless starve if we take from this country that which is needed by us."

Were you informed of the subject of this conference with the state secretaries and of this document.

Goering: I became familiar with this document only when it was submitted to me here. This is a rather unreliable document. We can not tell clearly just who was present, where this was

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discussed, and who was responsible for the nonsense that is expressed in it. It is a matter of course that, within the framework of all the conferences of official experts, many things were discussed which proved to be absolute nonsense.

First of all the German Armed Forces would have been fed, even if there had been no war with Russia. Therefore it was not the case, as one might conclude from this, that, in order to feed the German Armed Forces, we had to attack Russia. Before the attack on Russia the German Army was fed, and it would have been fed thereafter. But if we had to march and advance into Russia it was a matter of course that the army would always and everywhere be fed from that territory.

The feeding of several millions of people, that is, two or three, if I figure the entire troop deployment in Russia with all its staff, cannot possibly result in the starvation of many, many millions on the other side. It is impossible for one soldier on the one side to eat so much that on the other side there is not enough left for three times that number. The fact is moreover that the population did not starve. However, famine had become a possibility, not because the German Army was to be fed from Russia, but because of the destruction or the sending back by the Russians of all agricultural implements, and of the entire seed stocks. It was first of all impossible to bring the harvest, which had been partly destroyed by the retreating Russian troops, in from the fields to an extent even approaching what was necessary, because of inadequate implements; and, secondly, the spring and autumn crops were greatly endangered owing to the lack of implements and seed.

If this crisis was met, it was not because the Russian troops had not destroyed or removed everything, but because Germany had to draw heavily on her own stocks. Tractors, agricultural machines, scythes, and other things had to be procured, even seed, so that for the time being the troops were not fed by the country, but food had to be sent from Germany -- even straw and hay. Only through the greatest efforts of organization and administration, and in cooperation with the local population could a balance gradually be achieved in the agricultural sector, and also a surplus for the German territories.

As far as I know, famine occurred only in Leningrad, as has also been mentioned here.

But Leningrad was a fortress which was being besieged. In the history of war I have until now found no evidence that the besieger generously supplies the besieged with food in order that they can resist longer;

rather I know only of evidence in the history of wars that the besiegers do everything to force the surrender of the fortress by cutting off the food supply. Neither from the point of

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view of international law nor from the point of view of the military conduct of war were we under any obligation to provide besieged fortresses or cities with food.

DR. STAHLER: And what part did the Air Force play in the attacks on Leningrad?

Goering: The air force at Leningrad was very weak. The most northern sector of our position had the poorest air protection, so that the air force there had to carry out very many tasks simultaneously. At no time was there a concentrated attack by the Air Force on Leningrad, such as we have made on other cities or as have been carried out on German cities on the largest scale. The Fuehrer not once but repeatedly, in the presence of other gentlemen at briefing sessions, reproachfully said that apparently the German Luftwaffe dared not venture into Leningrad. I replied:

"As long as my Air Force is ready to fly into the hell of London it will be equally prepared to attack the much less defended city of Leningrad. However I lack the necessary forces, and besides you must not give me, so many tasks for my Air Force north of, the front, such as preventing reinforcements from coming over Lake Ladoga and other tasks."

Attacks were therefore made only on Kronstadt and on the fleet which was left in the outer bay of Leningrad, and other targets such as heavy batteries.

I was interested to hear from the sworn testimony of the Russian professor for museums, that he was under the impression that the German Air Force was mainly out to destroy museums, and then from the testimony -- not, sworn to-by I believe he called -- himself a metropolitan, who had the impression that my Air Force had mainly chosen his cathedrals as targets. I would like to call your attention to this contradiction -- perhaps understandable for people who are not experts. St. Petersburg was in fact at the very front of the fighting, and it was not necessary to attack by air, for medium and heavy artillery was sufficient to reach the center of the city.

DR. STAHLER: Was confiscation by the occupying power in Russia limited to state property?

Goering: In connection with the last question I forgot to mention something briefly.

There has been a great deal of talk here about the great destruction in Russia. Pictures and films were shown, impressive in themselves, but not so impressive to a German, for they showed only a modest proportion of the destruction which we personally experienced in our own cities. But I would like to point out that

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much of this destruction took place in the course of battle, in other words, that destruction was not intended, by the Air Force or by the artillery, but that cities, historical cities or art monuments were very frequently destroyed by battle action.

Also, in Germany men of the rank of the musician and composer Tschaikovsky, and the poets Tolstoy and Pushkin are too highly revered for deliberate destruction of the graves of these great and creative men of culture to have been intended.

Now to the question whether only state property was confiscated; as far as I know, yes. Private property, as has been mentioned here from state documents -- I can easily imagine that in the cold winter of 1941-42 German soldiers took fur shoes, felt boots, and sheep furs here and there from the population -- that is possible; but by and large there was no private property, therefore it could not be confiscated. I personally can speak only of a small section, namely of the surroundings of the city of Vinnitsa and the city of Vinnitsa itself. When I stopped there with my special train as headquarters, I repeatedly visited the peasant huts, the villages, and the town of Vinnitsa, because life there interested me.

I saw such abject poverty there that I cannot possibly imagine what one could have taken. As an insignificant but informative example I would like to mention that for empty marmalade jars, tin cans, or even empty cigar boxes or cigarette boxes, the people would offer remarkable quantities of eggs and butter because they considered these primitive articles very desirable.

In this connection I would also like to emphasize that no theaters or the like were ever consciously destroyed either with my knowledge or that of any other German person. I know only the theater in Vinnitsa that I visited. I saw the actors and actresses there and the ballet. The first thing I did was to get material, dresses, and all sorts of things for these people because they had nothing.

As the second example, the destruction of churches. This is also a personal experience of mine in Vinnitsa. I was there when the dedication took place of the largest church which for years had been a powder magazine, and now, under the German administration, was reinstated as a church. The clergy requested me to be present at this dedication. Everything was decorated with flowers. I declined because I do not belong to the Greek Orthodox Church.

As far as the looting of stores was concerned, I could see only one store in Vinnitsa that was completely empty.

DR. STAHLER: What was the significance for the Air Force of the work camp Dora, which has been mentioned by the French Prosecution?

Goering: Before I go on to that I must add that the accusation that we destroyed industry everywhere is incorrect, but rather for

our own purposes we had to reconstruct a great part of industry. Thus I would like to recall the famous dam of Dniepropetrovsk which was destroyed and which was important for the electricity supply of the entire Ukraine, and even for the Donetsk area.

As far as industry and agriculture are concerned, I have spoken of that before and mentioned the scorched earth policy as it was described in the Russian order and as it was carried out. This scorched earth policy, the destruction of all stock, of everything, created a very difficult situation which was hard to overcome. Therefore, from the economic point of view, we also had much reconstruction to do.

As far as destruction of cities is concerned, I would like to add that over and beyond that which was shot to pieces in the course of battle, during the advance or retreat, there were considerable parts and important buildings of cities that had been mined and at the proper time went up in the air, involving, of course, many German victims. I can cite Odessa and Kiev as two main examples.

Now I come to the question of Camp Dora. I also heard about Camp Dora here for the first time. Of course, I knew of the subterranean works which were near Nordhausen, though I never was there myself. But they had been established at a rather early period. Nordhausen produced mainly V-1's and V-2's. With the conditions in Camp Dora, as they have been described, I am not familiar. I also believe that they are exaggerated. Of course, I knew that subterranean factories were being built. I was also interested in the construction of further plants for the Luftwaffe. I cannot see why the construction of subterranean works should be something particularly wicked or destructive. I had ordered construction of an important subterranean work at Kahla in Thuringia for airplane production in which, to a large extent, German workers and, for the rest, Russian workers and prisoners of war were employed. I personally went there to look over the work being done and on that day found everyone in good spirits. On the occasion of my visit I brought the people some additional rations of beverages, cigarettes, and other things, for Germans and foreigners alike.

The other subterranean works for which I requested concentration camp internees were not built any more. That I requested inmates of concentration camps for the aviation industry is correct, and it is in my opinion quite natural because I was, at that time, not familiar with the details of the concentration camps. I knew only that many Germans also were in concentration camps -- people who had refused to join the Army, who were politically unreliable, or who had been punished for other things, as also happens in other countries in time of war. At that time everyone had to work in Germany. Women were taken into the ranks of labor, including

those who had never worked before. In my own home parachute production was started, in which everyone had to participate. I could not see why, if the entire people had to take part in work, the inmates of prisons, concentration camps, or wherever they might be, should not also be put to use for work essential to the war.

Moreover I am of the opinion, from what I know today, that it certainly was better for them to work and to be billeted in some plane factory than in their concentration camps. The fact *per se* that they worked, is to be taken as a matter of course, and also that they worked for war production. But that work meant destruction is a new idea. It is possible that it was strenuous here or there.

I for my part was interested that these people should not be destroyed, but that they should work and thereby produce. The work itself was the same as done by German workers -- that is, plane and motor production -- no destruction was intended thereby.

DR. STAHLER: Under what conditions were prisoners of war used in anti-aircraft operations?

Goering: Prisoners of war were used for anti-aircraft operations mainly for those stationary batteries at home which were for the protection of factories and cities. And indeed these were auxiliary volunteers. They were chiefly Russian prisoners of war, but not entirely as far as I remember. One must not forget that in Russia there were various racial groups who did not think alike and did not all have the same attitude to the system there. Just as there were so-called East Battalions made up of volunteers, so there were also a great number of volunteers who, after the announcement in the camps, reported for service in the anti-aircraft batteries. We also had an entire company of Russian prisoners of war who volunteered to fight against their own country. I did not think much of these people, but in time of war one takes what one can get. The other side did the same thing.

The volunteer auxiliaries liked to go to the anti-aircraft because they had considerably less work there and their food was better as it was soldiers' rations; whatever other reasons they may have had I do not know. However, if one did look at a local German anti-aircraft battery in the year 1944 or 1945 it made, I admit, a rather strange impression. There were German youths from 15 to 16 and old men from 55 to 60, some women and some auxiliary volunteers of all nationalities, I always called them my "gypsy batteries." But they shot, and that was what mattered.

DR. STAHLER: What was Sauckel's official relation to you?

Goering: I mentioned that in the Four Year Plan in 1936 there was already a Plenipotentiary General for the Allocation of Labor.

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In the year 1942, after he had become ill and was being represented by somebody else, I was taken aback by the direct appointment of a new Plenipotentiary General for the Allocation of Labor -- an appointment made directly by the Fuehrer, and without my being consulted.

But at that time the Fuehrer had already begun to intervene much more strongly and directly in such problems. If he did it here too, he did so because the labor problem became more acute from day to day. It had been suggested to him that he should appoint a new deputy for the time being, perhaps a Gauleiter of a different name, the one from Silesia. But the Fuehrer decided on the Gauleiter from Thuringia, Sauckel, and made him plenipotentiary. This order was countersigned by Lammers, not by

me, but that is of no significance; and it was formally included in the Four Year Plan, for the Four Year Plan had general plenary authority for all matters concerning economy. For this reason, up to the end even the appointment of Goebbels as Plenipotentiary General for the total war, which had nothing at all to do with me, was also included in the plenary power of the Four Year Plan, since otherwise the entire legislative work of the Four Year Plan, which I had gradually built up with its plenary powers, would have collapsed and we should have had to create entirely new conditions.

If Sauckel from that time on received his orders mainly from the Fuehrer, it was because the Fuehrer now intervened more effectively in all these matters; but I welcomed the appointment of Sauckel, for I considered him one of the calmest and most reliable Gauleiters and was also convinced that he would fully dedicate himself to this new task. The connection with the offices of the Four Year Plan was of course maintained, and in the case of important legislative decrees Sauckel and my offices of the Four Year Plan worked together, as far as I know.

Sauckel himself spoke to me on several occasions after he had been with the Fuehrer, and sent me also a few of the reports which he sent to the Fuehrer. Even if not in full detail I was, on the whole, informed.

DR. STAHLER: In March of 1944, 75 English Air Force officers escaped from the prisoner-of-war camp Stalag Luft III. As you probably know from the proceedings, 50 of these officers after their recapture were shot by the SD. Did this order for shooting come from you, and did you know of this intention?

Goering: I came to know of the course of events, but unfortunately not until a later period. When these 75 or 80 English Air Force officers attempted to escape during the last 10 days of March, I was at the moment on leave, as I can prove. I heard 1 or 2 days

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later about this escape. As, however, prior to that, a few large escapes had already taken place and each time a few days later most of the escaped prisoners had been brought back to camp, I assumed that would happen in this case also.

On my return from my leave, the chief of my general staff told me that a part, but he could not give me the figure at the time, of these escaped officers had been shot. This had to a certain extent caused talk and excitement in our Luftwaffe; one also feared reprisals. I asked from whom he had his information and what had really happened. He said he knew only that part of the escaped men had been recaptured by the camp guards in the vicinity of the camp, and by the police authorities in the immediate neighborhood, and had been brought back to camp. Nothing had happened to these men. On the other hand, of the fate of those who had been recaptured at a greater distance from the camp he knew only that some of them had been shot.

I then went to Himmler and asked him. He confirmed this without mentioning a definite figure, and told me that he had received the order from the Fuehrer. I called his attention to the fact that such a thing was utterly impossible, and that the English officers in particular were bound to make at least one

or two attempts to escape and that we knew this. He said, I believe, that he had at least opposed the Fuehrer in this matter at first, but that the Fuehrer had absolutely insisted on it, since he maintained that escapes to such an extent represented an extreme danger to security.

I told him then that this would lead to the most severe agitation among my forces, for no one would understand this action, and that if he were to give such orders, he could at least inform me before carrying them out so that I might have the opportunity of countermanding them if possible.

After giving these instructions I talked to the Fuehrer personally about the matter, and the Fuehrer confirmed the fact that he had given the order and told me why -- the reasons just mentioned. I explained to him why this order, according to our opinion, was completely impossible and what repercussions it would cause with regard to my airmen employed against the enemy in the West.

The Fuehrer -- our relations were already extremely bad and strained -- answered rather violently that the airmen who were flying against Russia have to reckon with the possibility of being immediately beaten to death in case of an emergency landing, and that airmen going to the West should not want to claim a special privilege in this respect. I then told him that these two things really had no connection with each other.

Then I talked with the Chief of my General Staff and asked him -- I believe he was the Quartermaster General -- to write to the OKW

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and say that I was now requesting, that the Air Force was requesting, that these camps be taken from our control. I did not want to have anything more to do with prisoner-of-war camps in case such things should happen again. This letter was closely connected with those events, a few weeks after those events. That is what I know about this matter.

DR. STAHLER: Witness Von Brauchitsch testified the other day that in May of 1944 the Fuehrer decreed the strictest measures against the so-called terror-fliers. Did you, in compliance with this Fuehrer decree, issue instructions to shoot enemy terror-fliers or to have them handed over to the SD?

Goering: The definition of "terror-fliers" was very confused. A part of the population, and also of the press, called everything which attacked cities "terror-fliers," more or less. Tremendous excitement had arisen among the German population because of the very heavy and continued attacks on German cities, in the course of which the population saw to a certain extent that the really important industrial targets were less frequently hit than houses and nonmilitary targets. Some German cities had thus suffered most severely in their residential districts, while the industries in these same cities remained on the whole untouched.

Then with the further flights of enemy forces to Germany there came so-called low-flying aircraft which attacked both military and nonmilitary targets. Reports came repeatedly to the Fuehrer, and I too heard of these reports, that the civilian population was being attacked with machine guns and cannons;

that single vehicles, which could be recognized as civilian vehicles, and also ambulances which were marked with a red cross, had been attacked. One report came in -- I remember it distinctly because the Fuehrer became especially excited about it -- which said that a group of children had been shot at. Men and women standing in front of stores had also been shot at. And these activities were now called those of terror-fliers. The Fuehrer was extremely excited.

The populace in its fury resorted at first to lynching, and we tried at first to take measures to prevent this. I heard then that instructions had been given through the police and Bormann not to take measures against this. These reports multiplied, and the Fuehrer then decreed, or made a statement to the effect that these terror-fliers should be shot on the spot.

The belief that these fliers had been forbidden by their superiors to make such attacks, and that really they were to attack with their weapons only targets which could be recognized as military, I had confirmed beforehand through an interrogation of the airmen.

Now, as is often the case in matters of this kind, all offices which had anything to do with this were called in and we were aware, as

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Brauchitsch has already declared -- not only those of us in the Air Force, but also those in the OKW and other military offices -- that it would be very hard to formulate and to support an order in regard to this matter. First of all the term "terror-flier" would have to be defined once and for all. In this connection four points were set down, and these points have already been read here.

Debate on this matter went to and fro. In general I expressed the opinion that these fliers, since they were prohibited by their own superiors to do these things, could be legally prosecuted by a military court every time. At any rate we arrived at no definite order after long bickering; and no office of the Air Force was ever instructed to undertake any steps in this direction.

The document in which it is said on 6 June 1944 that a conference between Himmler, Ribbentrop, and me took place in Klessheim and which is signed by Warlimont, states that Warlimont said that Kaltenbrunner had told him he had learned that such a conference had taken place. It does not say it actually took place. Now this day, 6 June 1944, is a very significant day, as Brauchitsch has already explained, for it is the day of the invasion in France. I no longer know exactly who came to Klessheim. Klessheim is a castle near Berchtesgaden and was used when allied or foreign missions came to visit.

For a long time already it had been customary that when such allied visits took place I, as Commander-in-Chief of the Air Force, was not present for each of these visitors naturally wanted above all, on the occasion of these conversations, to obtain help from the German Air Force and always asked for German fighters and machines no matter whether it was Bulgaria, Romania, Hungary, Finland, or Italy or someone else. I made a point of not being there on such occasions, so that the Fuehrer might have an opportunity to be evasive and to say, "I must first consult with the Commander-in-Chief of the Air Forces."

Therefore I had already left Berchtesgaden on the 4th or the 3rd, as far as I remember, and was on my estate near Nuremberg. The General Staff officer who accompanied me, the physician and various others will be able to testify to this if necessary. In the morning hours I learned here of the invasion. Brauchitsch is wrong in one point, that this had already been reported as an invasion. On the contrary, in response to my further inquiry it was said that one could not yet tell whether it was a diversion maneuver or the actual invasion. Thereupon I returned to Berchtesgaden in the late evening or, in the afternoon -- I remember exactly. I left after lunch and it takes about 4 1/2 hours from here. I therefore did not take part in the conference on this matter with Ribbentrop or Himmler in Klessheim or anywhere else, and I want to emphasize this especially.

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This conference was held by my adjutant, Von Brauchitsch, that is, my General Staff officer, and he was the one who told the OKW, without consulting me once more, that it was my opinion that it was right to have court proceedings in such cases. The decisive thing, however, is that no such order, as a Fuehrer order, or as an order of mine, was issued to any office of the Luftwaffe or to the transit camp or interrogation camp in Oberursel, or to any part of the troops.

A document which has been read here concerns a report from Luftgau XI, which mentions the shooting of American fliers. I believe they were Americans, and this is mentioned in this connection because it says Luftgau XI. I looked through the document -- there are two very detailed appendices. It is stated very definitely and clearly here that Luftgau XI reported that a crew which had bailed out and been rescued from the lake by some troops which did not belong to the Air Force, were shot by the police while on the way to the airfield -- the exact name of the police office is given -- that they therefore did not reach the airfield, but had been shot beforehand by the police. Luftgau XI duly reports these events as required. In the attached report each of the men is mentioned by name and also what happened to him. Some were taken to hospitals, others, as said before, were shot. And all these reports and each individual report sheet can be explained by the fact that the Luftgau offices, as the competent offices at home, were instructed automatically to make reports on a printed form as to whether it was a crash or a forced landing of our own or of enemy aircraft; at what time; whether the crew bailed out; whether the crew was killed, or half of it killed; whether they were brought to the camp or to the hospital. And in this case it is correctly reported, "Shot by the police while trying to escape; buried at such and such a place."

Records of this type ran into hundreds; I mean records of our own and of hostile craft, which had been shot down with their crews, in the heavy air fighting. The records were channeled from the Luftgau to the competent offices. The Air Force itself had nothing to do with this; it is very clear from the German original document that this was merely a report.

In this connection there were heated discussions. All of the gentlemen who had to take part in the Fuehrer's daily briefing sessions will recall exactly that the Fuehrer repeatedly told me in a very unfriendly manner that he definitely wished to know the names and the punishment of those officers

who again and again had protected fliers from the population. I did not have these people searched for or arrested, nor did I have them punished. I always pointed out to the Fuehrer that it had already happened that even our own fliers who had bailed out had been most severely

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mishandled by our own people, who at first were completely confused, and I therefore repeatedly emphasized on behalf of the Air Force that such things must be stopped.

There was one last sharp controversy, again in the presence of many gentlemen, at a briefing session in which, when again I referred to these things, the Fuehrer cut me short with the words, "I well know that both air forces have come to a mutual agreement of cowardice." Whereupon I told him, "We have not come to an agreement of cowardice, but somehow we airmen have always remained comrades, no matter how much we fight each other." All the gentlemen present will remember this.

DR. STAHLER: What was your attitude as the highest judicial authority of the Luftwaffe with regard to punishable acts committed by the soldiers under you in occupied territory?

Goering: As highest judicial authority I had all the bad cases referred to me and spent many hours examining them. That is why I attach particular importance to the highest legal counsel of the Air Force by being heard here on this point. In many cases I rescinded sentences because they were too mild, especially if it was a matter of rape. In these cases I always confirmed the death sentence which had been handed down by the court, unless an appeal for mercy was made by the injured party in exceptional cases. I thus confirmed the death sentence of a number of members of the Air Force who took part in the murder of inhabitants of the occupied territories in the East as well as in the West.

I do not wish to take up the time of the Tribunal by citing a number of detailed cases which would prove this. Beyond this I was the judicial authority with regard to such inhabitants of occupied territories as were brought before an Air Force court. For instance, when in France, Holland, or Russia or another country, the native civilian population had helped enemy fliers to escape, or had been guilty of acts of sabotage on airplanes, or had engaged in espionage in connection with the Air Force, that is to say, all punishable acts which had taken place in connection with the Air Force. The war situation demanded, of course, that in general we should enforce strict measures here.

I should like to say in this connection that death sentences were, of course, also duly pronounced by the courts on women. In all these cases involving women, during the entire war years, I did not once confirm with my signature a single death sentence on a woman, not even in the case of fatal attacks, or participation in such on members of my Luftwaffe; even in the most severe cases I did not fail to give a reprieve.

DR. STAHLER: In your military and economic measures in the occupied territories did you take into consideration whether these

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measures were in keeping with the Hague Convention on land warfare?

Goering: I scanned through the regulations for land warfare of the Hague Convention for the first time just before the outbreak of the Polish conflict. As I read them at that time I regretted that I had not studied them much more thoroughly at an earlier date. If so I would have told the Fuehrer that, in view of these Hague Convention regulations for land warfare, set down paragraph for paragraph, a modern war could not be waged under any circumstances. One would perforce come into conflict with conditions laid down in 1906 or 1907, because of the technological expansion of modern war. Either they would have to be cancelled, or else modern new viewpoints corresponding to technical developments would have to be introduced. My reasoning is as follows:

The regulations on land warfare of the Hague Convention, as they now existed, I had in my opinion studied quite correctly and logically as regulations for land warfare in 1907. But from 1939 to 1945 there was no longer merely land warfare but also air warfare, which had not been taken into consideration here and which in part created an entirely new situation, and changed the regulations on land warfare of the Hague Convention in many respects. But that is not so much the decisive point; rather, modern and total war develops, as I see it, along three lines: the war of weapons on land, at sea, and in the air; economic war, which has become an integral part of every modern war; and, third, propaganda war, which is also an essential part of this warfare.

If one recognizes these principles on the basis of logic, certain deviations will then result which, according to the letter, may be a violation of logic, but not according to the spirit. If the regulations on land warfare of the Hague Convention provide that weapons of the opponent are to be regarded as booty, as a matter of course, then I must say that today in a modern war the weapons of the opponent under certain circumstances have value only as scrap, but that economic goods however, raw materials, high grade steel, aluminum, copper, lead, and tin, seem and are much more essential as war booty than obsolete weapons, which I might take from an opponent. But beyond that it is not only a matter of raw materials, no matter whose property they are. The regulations on land warfare of the Hague Convention provided at one point -- I do not remember it now -- that those things which are necessary can be confiscated, but against compensation, of course. That is also not the decisive factor, as one can readily believe. Decisive is, however, the fact that in this modern war, and in an economic war, which forms the basis for any further conduct of war, supplies, first of all food, must be regarded as absolutely necessary for war and must

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be made available for use in war, and beyond that raw materials for industry. Moreover production plants and machinery are also part of economic warfare. If they have until now served the opponent -- be they industries directly or indirectly contributing to armaments and the conduct of war -- they must now also serve whoever has come into the possession of these means of production through military decision, even if only temporarily, during an armistice in occupied territories. In this connection the

labor question naturally also plays a far greater role in economic war than it did in those former wars which served as examples in the regulations on land warfare of the Hague Convention. In 1907 the most recent wars, the Russo-Japanese War, and perhaps the English Boer War, which were, however, conducted under entirely different circumstances -- wars which practically lay only one decade behind at that time -- could serve as an example of warfare. A war at that time between one army and another, in which the population was more or less not involved, cannot be compared with today's total war, in which everyone, even the child, is drawn into the experience of war through the introduction of air warfare.

According to my opinion, manpower and thereby the workers and their use at the moment, are also an integral part of economic war. By that it is not meant that a worker should be so exploited that he suffers physical injury, but only that his labor should be fully used.

One of the witnesses mentioned recently what it means to be in an occupied territory where fighting is still going on, and where one remains for years, while one, two, three, four, or five new military age groups are growing up, and if they have no work in their home country ...

THE PRESIDENT: Dr. Stahmer, is there any chance that the defendant will finish by tonight?

DR. STAHLER: This is the last question.

THE PRESIDENT: Please continue.

Goering: The question of the deportation of workers had therefore also to be regarded from this point of view of security. We were obliged to feed, as far as possible, the entire occupied territory. We also had to dispose of manpower and, at the same time had to consider the removal especially of those who had no work in their own country and represented a danger in the growth of the underground resistance arising against us.

If these age groups were drafted into Germany for work, it was because of basic considerations of security, in order that they should not be left idle in their own country -- and thus be made available

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for the work and the struggle against us -- but should be used to our advantage in economic war.

Thirdly -- I want to mention these things just very briefly -- in conclusion, the war of propaganda. At one point in the Indictment it is also mentioned that we requisitioned radios, which is, to be sure, a matter of course. For the great importance in propaganda warfare enemy propaganda had, which extended by way of radio far into the hinterland, no one has felt more strongly than Germany. All the great dangers of underground movements, partisan war, the resistance movements and sabotage, and everything connected with it, and finally also in this war, this embitterment and this atmosphere, have been called forth to the extreme by this mutual fight over the radio.

Also whatever happened in the way of atrocities and similar acts, which should not be tolerated, are in the last analysis, if one thinks about it calmly, to be attributed primarily to the war of propaganda.

Therefore the regulations on land warfare of the Hague Convention are in my opinion not an instrument which can be used as a basis for a modern war, because they do not take into consideration the essential principles of this war; the war in the air, the economic war, and the war of propaganda.

And at this point I should like to say the same words which one of our greatest, most important, and toughest opponents, the British Prime Minister, Winston Churchill, used: "In the struggle for life and death there is in the end no legality."

THE PRESIDENT: The Court will adjourn.

*[The Tribunal adjourned until 16 March 1946 at 1000 hours.]*

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DR. STAHLER: Mr. President, I have purposely deferred one single question and not yet dealt with it, that is, Goering's efforts to maintain peace in the months of July and August 1939, before the outbreak of the war. I have deferred the question for the following reasons: Originally, I had intended to call Goering to the witness stand only after the interrogation of the witness Dahlerus. But because Dahlerus had not yet arrived, and I wanted to avoid an interruption of the proceedings, I called Goering first.

I now ask for a decision as to whether I may call Goering back to the witness stand after the examination of the witness Dahlerus, who, in the meantime has arrived -- I consider it expedient in the interest of saving time, because in my opinion quite a number of questions would thereby become unnecessary -- or, whether I may question him again on this point after the cross-examination. If that is not possible, I shall deal with this matter immediately. It seems to me advisable, however, to put this question after the examination of Dahlerus.

SIR DAVID MAXWELL-FYFE: Your Honor, I can help on this point. If the Tribunal could consider this application without its establishing a precedent for other cases, I should have no objection, because in the case of Dahlerus we are to understand that some one will have to go into the matter in detail as to the events that happened within the last fortnight. It might well mean a saving of time if that detail were gone into only once, and it would be rather difficult for Dr. Stahmer to examine the witness Dahlerus without going into the details. While I feel strongly with the Tribunal that a defendant should not be recalled except in the most exceptional circumstances, I think in this case it might conceivably bring about a shortening of time.

THE PRESIDENT: Do you mean that if the witness Dahlerus were called, it might obviate the necessity of calling the Defendant Goering in reference to those events?

SIR DAVID MAXWELL-FYFE: It might obviate that necessity, and it would in any case mean, I should think, that the Defendant Goering would have to answer only very few questions; but if it

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were opened up now, it would be difficult to avoid both witnesses covering the same ground.

THE PRESIDENT: The Tribunal is only concerned with the saving of time, and as the Tribunal is informed by the defendant's counsel, Dr. Stahmer, that it may save time, the Tribunal is prepared to adopt that course, and to allow the witness Dahlerus to be called before these questions are put to the Defendant Goering; but it must not be taken as a precedent for the recalling of any other witnesses.

DR. STAHLER: Thank you, Sirs. Then I have no further questions to ask the defendant at this time.

DR. NELTE: The Prosecution, in their presentation, have frequently mentioned the Defendant Keitel in connection with orders, directives, and so forth. They were always quoted as Keitel orders, Keitel decrees, and upon this, the Prosecution have based, among other things, their indictment of the Defendant Keitel. I am anxious to clear up through questioning you what the position of Field Marshal Keitel was, what powers and what responsibility he had as Chief of the OKW or in other official functions. Are you familiar with the decree of 4 February 1938 by which the High Command of the Armed Forces, the OKW, was created and Field Marshal Keitel appointed Chief of the OKW?

Goering: Of course, I am familiar with that decree because I assisted in the making of the decree in that the Fuehrer discussed with me the entire reshuffling of 8 February, and the resulting consequences and organizational changes of his entire staff.

DR. NELTE: Can you remember the diagram which was submitted by the Prosecution concerning the organization of the German Armed Forces?

Goering: Yes, I remember that it was here on the board.

DR. NELTE: I shall have it shown to you.

Do you think the OKW is placed correctly on this diagram?

Goering: No, it is not correct. It says on top, "Commander-in-Chief of the Armed Forces," then there is a line, and below it says "Chief of the High Command of the Armed Forces." From there, indicating a subordination, lines lead directly to the Commanders-in-Chief of the Army, the Navy, and the Air Force. That is wrong.

The High Command of the Armed Forces, and also the Chief of the High Command of the Armed Forces, should not be placed in that manner, but set separately to one side, that is to say, the three Commanders-in-Chief of the three branches of the Armed Forces were immediately subordinate to the Fuehrer, as the Supreme

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Commander of the Armed Forces, and in no subordination whatsoever to the High Command of the Armed Forces, or to the Chief of the High Command of the Armed Forces.

The Fuehrer at that time, in February, reorganized his entire staff, for he had in his capacity as head of State the State Chancellery. He made Meissner, who was then State Secretary, State Minister, and established the State Chancellery as his administrative office. Thus he, in collaboration with the records department of the Foreign Office, was in charge of matters that concerned only the head of State. In his capacity as Reich Chancellor and chief of the Government, he ruled that his administrative organism should be the Reich Chancellery, and the State Secretary of the Reich Chancellery became on the same day Reich Minister and Chief of the Reich Chancellery. It was the function of this office to maintain liaison with the ministries and the entire machinery of the government of the Reich. The function of this minister as an organ of the Fuehrer, was not the issuing, but the execution of the Fuehrer's orders and decrees.

Thirdly, the Fuehrer, as leader of the Party, had the Party Chancellery of which the Deputy of the Fuehrer, Rudolf Hess, was in charge at that time and occupied a high position within that organization. After his leaving, Bormann did not become Deputy of the Fuehrer but Chief of the Party Chancellery.

Fourthly, there was the Private Chancellery of the Fuehrer, with a Reichsleiter as Chief.

For military matters, as his military cabinet or military staff -- or as it used to be known in former years, the "Maison Militaire" -- the High Command of the Armed Forces was formed.

This reorganization was necessary, because after the retirement of Blomberg as Minister of War, no new Minister of War had been appointed, and the Fuehrer, since as head of State he was in any case Commander-in-Chief of the Armed Forces, was now determined not only formally to be this Commander-in-Chief of the Armed Forces, but to execute that function in fact. In consequence, he now needed a staff organization. This was to be the High Command of the Armed Forces, and Keitel became Chief of the High Command of the Armed Forces.

In Germany the word "chief" in the military sense has a different meaning from "commander-in-chief." The responsibility and right to issue orders rest with the commander or the commander-in-chief. The assistant in staff administration, in the working out, administering, and transmitting of orders, and in maintaining liaison, is the actual chief of the respective staff. Thus, the former Colonel General Keitel, or General Keitel, was Chief of Staff of the military staff of the Commander-in-Chief, called the High Command of the Armed

Forces. On the one hand, he had charge of the entire machinery of the staff of the Commander-in-Chief, as far as military organizational and technical matters, and military direction, that is to say, strategy, were concerned, to the extent that the Fuehrer wanted to have his strategic orders administered from a central point. For this there was established in the High Command as a purely general staff, strategic department, the Supreme General Staff.

DR. NELTE: If I understand you correctly, OKW is translated as High Command of the Armed Forces, but this apparently has been used in different ways, at one time as the Staff of the High

Command of the Armed Forces -- as, for example, when Keitel was called the Chief of the OKW -- and at another time, as the OKW Office of the High Command of the Armed Forces, in other words, Hitler. Is that right?

Goering: That is correct as such, but not very clear. The High Command of the Armed Forces is the staff of the Supreme Commander of the Armed Forces, in the same way that I, as Commander-in-Chief of the Air Force had my General Staff on one hand, and my chief adjutant's office on the other -- these formed the staff with which I worked. The High Command constituted for the Fuehrer, as Supreme Commander a similar organization. The chief of my General Staff likewise could give no direct orders to the commanders of the air fleets, commanding generals of air corps or divisions. The orders could only be issued "By command of the Commander-in-Chief," signed "I.A.," that is to say, "Im Auftrag (by order)."

The chief of a staff, therefore, even the Chief of the High Command of the Armed Forces, had no command function except to the members of his immediate office and the few administrative organizations connected with that staff. An order, command, or directive from the High Command of the Armed Forces, for instance, to me as Commander-in-Chief of the Air Force, was only possible when the instruction began in the following form: "The Fuehrer has ordered..." or, "By command of the Fuehrer, I hereby inform you ...

May I express myself quite emphatically: At one time I told Colonel General Keitel, "I am bound only by orders of the Fuehrer. Only orders in the original and signed by Adolf Hitler are presented to me personally. Instructions, directives or orders which start 'By command of the Fuehrer,' or 'By order of the Fuehrer' go to my chief of staff who gives me an oral report indicating the most important points. Whether then -- to put it bluntly -- they are signed, 'By command of the Fuehrer: Keitel, Colonel General,' or 'Meier, Stabsgefreiter', makes no difference to me.. But if they constitute a direct command from you, an order, which you want to give me, then save yourself time and paper because both are meaningless

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to me. I am Commander-in-Chief of the Air Force, and immediately, and exclusively subordinate to the Fuehrer."

DR. NELTE: Do you know whether Hitler, on the one hand, and the commanders-in-chief of the branches of the Armed Forces, on the other, observed these command functions described by you, or whether in other branches of the Armed Forces the actual procedure was, perhaps, different?

Goering: Whether my two colleagues made it as clear to the Chief of the High Command as I did, I cannot say; but that the two other commanders-in-chief did not permit any interference with their rights and prerogatives is obvious.

DR. NELTE: Does the same apply to Himmler as Chief of the SS?

Goering: The SS was never subordinate to the High Command of the Armed Forces. Within the Armed Forces there was, from the beginning of the war, the Waffen-SS, divided into divisions and corps. That was purely a combat unit. Tactically and strategically it was subordinate to those units of the Army to which it was assigned; in the matter of personnel and development, it was subordinate to Himmler; and he had nothing to do with the OKW. Here it might happen that the Chief of the High Command of the Armed Forces, in questions of armament and organization of the Waffen-SS, transmitted orders or decrees of the Fuehrer.

On this occasion I should like to correct an error which was made during Justice Jackson's examination of Field Marshal Kesselring. Field Marshal Kesselring spoke of the Waffen-SS, as "Garde Truppe." Then he was asked, "Whom did it have to guard?" In applying the word "Garde" we do not employ it as it has been translated, as "guard," meaning sentries, but, as Field Marshal Kesselring intended, a "picked troop"; just as in the Russian military language there is a "Garde Korps," and in the old Imperial Army there was a "Garde Korps," and also formerly in other armies. The Waffen-SS during the first years of the war was not to be regarded as a guard unit, but as a "picked unit" as far as personnel, *et cetera*, was concerned.

DR. NELTE: I would like to ask you to say something about the official relationship between Adolf Hitler and Field Marshal Keitel; that is to say, what official relations had Adolf Hitler in mind when he established the office of the OKW? I mean, I should like to know what Keitel was supposed to be and what, subsequently, his official functions actually were after 1938?

Goering: I think that is just what I have been explaining.

DR. NELTE: I wanted to ask you, for instance, was he Hitler's adviser?

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Goering: Adviser is a debatable expression. I can let somebody advise me as to whether or not he thinks it will rain during the coming 3 hours, when I am riding; but I can also have someone advise me in very important and decisive questions. That depends on the temperament and the attitude of the person who wants to be advised, and the one who wishes to advise.

With the dynamic personality of the Fuehrer, unsolicited advice was not in order, and one had to be on very good terms with him. That is to say, one had to have great influence, as I had -- and I ask you to understand me correctly -- as I had beyond doubt for many years, in order to come to him unsolicited, not only with advice, but also with suggestions or even persistent contradictions. On the other hand, if one were not on these terms with the Fuehrer, suggestions and advice were curtly brushed aside whenever he had once made his decisions, or if he would not allow the would-be adviser to attain that influence or that influential position. Here I wish to say that the Chief of the High Command of the Armed Forces, in important and decisive questions certainly was no adviser. In current, everyday affairs, he was an adviser insofar as he may have suggested to the Fuehrer here and there that this or that should be said to the commanders, or that in regard to the movement of troops this or that should be pointed

out. After all, advice from the chief of a general staff is still more important than advice from the chief of an organization or a state office. It was this way: In the sphere of important strategic and tactical decisions the chief responsibility lay with the adviser on the General Staff, the commanders-in-chief, the Chief of Staff, and the Fuehrer; in matters of pure strategy and tactics, more with the chief of the Armed Forces Operations Staff; organizational questions or current developments of the day, with the Chief of the High Command. Because the Fuehrer himself, as I said before, held several of the highest offices, he had to limit his signatures. It often took weeks until one could obtain the necessary signature from the Fuehrer, especially during the war when he had a tremendous amount of work, so that the secretaries of the respective state offices were authorized to sign "by order." This explains why there was hardly any decree or order issued by the Fuehrer, that went out signed "By order of" or "By command of the Fuehrer," which was not signed by Keitel, who was very industrious.

DR. NELTE: Wasn't it a very thankless task that Field Marshal Keitel had, I mean, thankless insofar as he frequently was in the position of having to mediate between the various offices which were subordinated to the Supreme Commander, namely Hitler; to submit their grievances to him, and to exert himself on behalf of the two parties, helping here and restraining there?

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Goering: That again depended very much on the personalities. It goes without saying that if it came to a clash between the Fuehrer and myself, or other determined commanders-in-chief, the Chief of the High Command of the Armed Forces was, I may say, trodden on by both sides. He came between the millstones of stronger personalities; the one protested that in speaking to the Fuehrer he had not exerted enough pressure; the Fuehrer, when Keitel made presentations, turned a deaf ear and said he would settle matters himself.

The task was certainly a very thankless one and a difficult one. I remember that once Field Marshal Keitel approached me and asked me whether I could not arrange for him to be given a frontline command; that he would be satisfied, though a Field Marshal, with one division if he could only get away, because he was getting more kicks than ha'pence. Whether the task was thankless or appreciated was all the same, I answered him; he had to do his duty where the Fuehrer ordered it.

DR. NELTE: Are you aware that in this connection Field Marshal Keitel was reproached with not being able to assert himself, as they say, with the Fnrer?

Goering: This reproach was made against him by quite a number of commanders-in-chief of armies and army groups. It was easy for them to make that reproach because they were out of range of Adolf Hitler, and did not have to submit any proposals themselves. I know that, especially after the collapse, quite a number of generals adopted the point of view that Keitel had been a typical "yes-man." I can only say I personally should be interested if I could see those who today consider themselves "no-men."

DR. NELTE: Was there ever, as far as Hitler was concerned, any possibility of Field Marshal Keitel getting a release from his office?

THE PRESIDENT: Dr. Nelte, the Tribunal does not think -- at least we should like to ask you -- what relevance does the gossip of the General Staff or any reproaches which may have been raised against him by it have to the charges against Keitel? What has that to do with the charges against Keitel?

DR. NELTE: If one wants to do justice to the Defendant Keitel, that is to say, if one wants to try to establish what role he has played in this terrible tragedy, then that is only possible if one establishes clearly what his function was, and thereby what his legal responsibility was; and then, if one takes the tactical conditions into consideration ...

THE PRESIDENT: I know that perfectly well and we have spent three-quarters of an hour in hearing the Defendant Goering describe what his relationship was and what Keitel's function was. What I

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asked you was what this had to do with the case, the criticisms or gossip of the General Staff about Keitel? I say we have spent threequarters of an hour in hearing what the Defendant Goering says his function was, and what his relationships with the Fuehrer were, and nothing else.

DR. NELTE: I began with the organization of the OKW. I wanted to determine the chain of command between the OKW and the Chief of the OKW, on the one hand, and the branches of the Armed Forces, on the other; and then I have tried to clarify the responsibilities which, as Chief of the OKW, he was to have, according to Hitler's wishes, and how he carried these out.

The gossip, Mr. President, was only, I believe, a subject for a few minutes during the examination of the witness.

THE PRESIDENT: My interruption was made because you asked the defendant a question about somebody being reproached for something or other by the members of the General Staff, and that seems to me to be totally irrelevant.

DR. NELTE: The last question which I put was whether there had been any possibility of Field Marshal Keitel's obtaining a release from his position. May I assume, Mr. President, that this question is relevant?

THE PRESIDENT: You may certainly ask that question as to whether he asked to be relieved of his command. As a matter of fact, Dr. Nelte, that question was asked before, the question at which I interrupted you; and I have the answer written down, that Keitel asked for a command, even if only of a division.

DR. NELTE: That was the question which he put to Reich Marshal Goering. He came to him, Goering, and put the question to him. Now I want to ask whether there existed any possibility of Keitel's obtaining a release from his position from Hitler?

Goering: The question whether a general could ask for and obtain his release from the Fuehrer has played an important role in these proceedings generally. Actually, one has to make a distinction between two phases, peace and war.

In times of peace a general could ask for his release. Unless he was in a prominent and definitely important position, and very well known to the Fuehrer, such a request for release was granted without question. If he was in an especially important position and well known to the Fuehrer, then, using all his persuasive powers, with all the means at his disposal the Fuehrer appealed to him to remain at his post. If, however, a general had asked the Fuehrer for his release and had given as a reason that in principle he was of a different political opinion, either domestic or foreign, then without doubt he was retired, even if not on that very day. But at the same time it would

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have given rise to an extraordinary suspicion on the part of the Fuehrer concerning the person.

During the war, the matter was entirely different. The general, like every soldier, was obliged to do his duty, to obey orders. The Fuehrer had issued the statement that he wanted no requests for release, neither from generals nor any other important state personalities. He himself would decide if a person were to resign or not. He himself could not resign if things became unpleasant now, he considered that desertion.

If, in spite of this, a general submitted a request for release in wartime and this was refused, he certainly could not insist upon it. If he resigned notwithstanding, he violated the law and from that moment was guilty of desertion.

Field Marshal Keitel might have asked the Fuehrer, "Have me transferred to a different office." But the Fuehrer disliked exceedingly to make any changes in his immediate circle; and during the war -- that I know from his own words -- he would not have agreed to a change, particularly with regard to Field Marshal Keitel with whom he was used to working, unless the Field Marshal had become ill and thereby really unable to continue his duties.

DR. NELTE: Were these considerations of which you have just spoken likewise the determining factor in the retirement of Field Marshal Von Brauchitsch?

Goering: The case of Field Marshal Von Brauchitsch's retirement is very well known to me, because the Fuehrer had discussed it at length with me beforehand; for at first he was not decided whether he or someone else should take over the command of the Army. Thus we discussed who should succeed, and so forth. At that moment the Fuehrer was not satisfied with the direction of the Army by the commander-in-chief of the Eastern Front. The commander-in-chief was Brauchitsch; the chief of the Army General Staff was Halder. I suggested to the Fuehrer that he change the chief of the Army General Staff, because I thought he was by far the less capable. The Fuehrer wanted to do that. Then the next morning he had made up his mind and told me that he, the Fuehrer, would himself assume this command to bring about order on the Eastern Front, and that therefore it was more important for him to retire the Commander-in-Chief, although he agreed with me that the Chief of Staff was the weaker one. Then I suggested that both be dismissed.

The Fuehrer called Brauchitsch, talked with him for 2 hours and requested him in a clear way, that is in a way that could not be misunderstood, to resign.

Thus, in this case, a clear decision was made by the Fuehrer to dismiss the Commander-in-Chief of the Army in order to assume

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personally the command of the Army. From that time on, the Fuehrer was not only Supreme Commander of the Armed Forces but also de facto Commander-in-Chief of the Army.

DR. NELTE: The Prosecution has stated and has produced evidence that Field Marshal Keitel was a member of the Reich Defense Council. You spoke of this question yesterday. And I can now state that you said that Field Marshal Keitel was a member of the Reich Defense Council according to the Reich Defense Law, but that this Reich Defense Council was never constituted. You ought to know that because you were, according to that law, chairman of that Reich Defense Council. Is that correct?

Goering: I have stated clearly that I never attended a meeting, or called a meeting.

THE PRESIDENT: You know, do you not, that the Tribunal is directed to hold an expeditious trial and for that reason they are not going to hear cumulative evidence? The defendant has already given us an answer to the question you have just put to him. The Tribunal do not wish to hear the same answer again.

DR. NELTE: I have not seen yesterday's transcript yet, and it is of great importance for the Defendant Keitel...

THE PRESIDENT: You were in court and you can take it from me that the answer was given.

DR. NELTE: The questions and the answers are not always as clear as they may seem on reading the transcript.

*[Turning to the witness.]* Can you tell me whether Field Marshal Keitel ever was a minister?

Goering: He was not a minister. He had only the assimilated rank of a minister.

DR. NELTE: Was he entitled to participate in Cabinet meetings?

Goering: Not by virtue of his positions; but, concerning questions of interest to him which pertained to his work, he could be invited by the Fuehrer to attend Cabinet meetings.

DR. NELTE: Keitel was a member of the Ministerial Council for the Defense of the Reich. Did that make him a minister?

Goering: No, he remained the same. He had only the rank of a minister. Field Marshal Keitel could not attend Cabinet meetings of the Reich Cabinet because he became Chief of the High Command only in 1938, and from that time on no Cabinet meetings took place.

DR. NELTE: The Prosecution have also asserted that there was a triumvirate, consisting of the Plenipotentiary General for Economy,

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the Plenipotentiary General for Administration, and the Chief of the OKW. Can you tell us something about that?

Goering: I know nothing about that.

DR. NELTE: The Prosecution have accused Field Marshal Keitel of having been a political general. Do you know anything about that?

Goering: The generals in the Third Reich had no right whatsoever to participate in any political activity. The only exception in this respect was myself -- and that was due to the peculiar nature of my position, for I was at the same time a soldier, a general, and on the other hand, in politics, a politician. The other generals, as the Fuehrer always very clearly pointed out, had nothing to do with politics.

The general who always most interested himself in politics was the late Field Marshal Von Reichenau. That was the reason the Fuehrer, in spite of his personal sympathies and the strongly positive attitude of Reichenau toward the Nazi Party, refused to make him Commander-in-Chief of the Army after the resignation of Fritsch; the Fuehrer did not want any political generals.

DR. NELTE: But it cannot be denied that in the so-called decrees often the political objective was made known, and that such decrees and orders were signed by Keitel.

Goering: Decrees were principally Fuehrer decrees, because they contained broad directives. The preamble of an important decree very commonly was the political premise which explained why the Fuehrer had decided on this or that military measure. But that has nothing to do with a general being political.

DR. NELTE: The Prosecution have frequently mentioned that the Defendant Keitel was present at state receptions, such as that accorded Hacha, and at other ministerial receptions; from that they have tried to deduce that he was a political general.

Goering: When the Fuehrer, as head of State, received foreign missions, heads of states, or chiefs of governments, it was customary for the chiefs of his most important offices to be present; the Chief of the State Chancellery, frequently of the Reich Chancellery, depending on who came; and the Chief of the High Command, since, in the conferences, questions might come up for which the Fuehrer would need military information of some kind. And then, of course, there was also a certain amount of ceremony involved. Whenever I had important visitors, my military staff, or a representative of the staff, were also with me.

DR. NELTE: May I say then that Field Marshal Keitel was present at, but did not participate in, the conferences?

Goering: If he participated, it was not at any rate of any consequence.

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DR. NELTE: The Prosecution stated that, on the occasion of the visit of President Hacha, the Defendant Keitel exerted pressure on President Hacha by threatening to bomb Prague.

Goering: I said yesterday that I made that statement.

DR. NELTE: I just wanted to establish it.

Now I should like further to question you concerning the terror-fliers. Do you remember that about the middle of June 1944, when negotiations on this question took place among the various departments, you were waiting at the Platterhof with Field Marshal Keitel for Hitler, and discussed this question there?

Goering: I cannot say whether that was at the Platterhof. At any rate, I talked with the Field Marshal many times on the subject.

DR. NELTE: It is important in this connection to establish whether the Defendant Keitel approached you on this question and stated to you that he was against the idea of lynch law, which was advocated by the Party.

Goering: He said that several times. We were in agreement on this.

DR. NELTE: Did the Defendant Keitel at that time also state to you that he was in favor of an official warning or a note to the Allied Governments -- in respect to the well-known Dieppe case -- rather than separate court-martial proceedings without legal evidence?

Goering: I think we had frequent discussions on this point. I advocated that in the case of pure terror-fliers -- that is to say, those who violated the orders of their own superiors -- there should be legal proceedings. Keitel said it would be hard to differentiate, and to carry this out. It would be more practical to send a note to the Allies to the effect that if it were not stopped, measures would have to be taken. The view that this course should be adopted was also advocated in other quarters.

DR. NELTE: Mr. President, when submitting my applications for evidence, I proposed, among other things, a characterization of Field Marshal Keitel given to me by Goering. In the session of 25 February an agreement was reached with the Prosecution that this characterization, which is in the form of an affidavit, might be submitted in the presence of the witness, that is, Goering. Am I now permitted to read you this characterization, of which you have already received the original, or may I refer to it as evidence and merely put it in? I ask this question because a part of the description which is contained in the affidavit has already been given by this witness in this interrogation.

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THE PRESIDENT: What is the document that you are referring to? What is the origin of it? Is it a document drawn up by the Defendant Goering?

DR. NELTE: It is an affidavit signed by Goering, entitled, "Characteristics of Field Marshal Wilhelm Keitel." It is referred to in my applications as an affidavit. Much of what is contained in it has already been said by Reich Marshal Goering.

THE PRESIDENT: The Defendant Goering is giving evidence under oath. Therefore, nothing in the shape of an affidavit ought to be put in. If you have any questions to ask him which he has not already answered, about the Defendant Keitel, you may ask them now. It is inappropriate to put in a written, sworn statement when you have a defendant giving evidence under oath.

DR. NELTE: In the session of 25 February 1946 this was approved, for the reason that it would shorten the proceedings if an affidavit were to be read and the witness were then to state: "That is correct." I have a copy here of the transcript of that session, should the Tribunal not recall.

MR. JUSTICE JACKSON: May it please the Tribunal, I should not care to object to this upon the ground that it is written, because I think there are occasions when the writing out of the testimony of a witness might be more expeditious than their examination.

I object to it on the ground that it does not get us anywhere when you include it. It starts off: "Keitel gives the impression of a military man, an officer of the old school." That is not testimony that gets us anywhere. I admit that statement; he always impressed me that way. His philosophy is dominated in the main by militaristic ideas and concepts.

Let Keitel give us a description of himself, if we must have one. I think an examination of this affidavit will show that it consists of matter that has been covered, or of matter on which another witness never ought to be interrogated. I object to it upon the ground that it has no probative value.

THE PRESIDENT: As you are aware, Dr. Nelte, any decision which the Tribunal made about documents was expressly made provisionally and with the condition that the decision about the relevancy of the document should be made when the document was produced. If the document had been produced before the Tribunal, they would have been able to look at it. They have not seen the document.

The document appears, as Mr. Justice Jackson says, to be not a document which has any evidential value at all, and as the defendant is at present giving evidence under oath, the Tribunal will not look at the document.

DR. NELTE: Mr. President, as the Tribunal have examined this document and found that it is irrelevant, I accept that decision. But it seems to me that the Tribunal...

THE PRESIDENT: We are not preventing you from asking any questions of the witness which may be relevant, but we do not desire to read another document from the same person who is giving testimony.

DR. NELTE: I shall omit this affidavit.

DR. THOMA: Rosenberg was chief of the Office of Foreign Affairs of the NSDAP until 1940. Did he in this capacity, or otherwise personally, have an influence on Hitler's decisions concerning foreign policy?

Goering: I believe that the Party's Central Department for Foreign Policy after the seizure of power was never once consulted by the Fuehrer on questions of foreign policy. It was established earlier only so that certain questions on foreign policy which arose within the Party could be dealt with centrally. I am not informed in detail about the methods of that office. As far as I know Rosenberg was certainly not consulted on questions of foreign policy after the accession to power.

DR. THOMA: Therefore, you do not know any details as to whether Rosenberg had a certain influence on Hitler in the Norwegian question?

Goering: That I do not know. I stated yesterday what I know concerning the question of Quisling and also of Rosenberg.

DR. THOMA: When you were Prime Minister did Rosenberg become conspicuous to you as advocating the political or police persecution of the Church?

Goering: He could not advocate the persecution of the Church by the police, because he had nothing to do with the police, and I would not have permitted any interference by him.

DR. THOMA: Do you know whether Rosenberg urged you to evacuate the Jews to Lublin, among other places?

Goering: Rosenberg did not speak to me about that.

DR. THOMA: Did Hitler express to you his satisfaction that Rosenberg had not raised any objection to the Non-Aggression Pact with the Soviet Union, concluded at that time?

Goering: One cannot exactly say that Hitler expressed his satisfaction. If Rosenberg had raised any objection, Hitler would probably have expressed his dissatisfaction in a very unmistakable manner; but he did state that Rosenberg, too, had apparently understood this political step.

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DR. THOMA: Did Rosenberg, as Minister for the Occupied Eastern Territories, have any influence on the allocation of labor? Was he in a specific position to prevent the employment of the eastern peoples?

Goering: A certain co-operation with regard to the employment program must have existed between the offices of Rosenberg and Saukel, but certainly not in the sense that Rosenberg could have prohibited the recruiting of eastern workers in contradiction to the Fuehrer's order.

DR. THOMA: It is known to you that Rosenberg repeatedly made representations to the Fuehrer on behalf of a cultural betterment of the eastern European peoples, especially the Ukrainians?

Goering: I was present once when Rosenberg spoke about the varying treatment of the Occupied Eastern Territories, of the peoples living there, and their cultural care. As far as I can recall -- or better said -- I especially recall that the conversation dealt with the establishment or the continuation of a university in Kiev. The Fuehrer agreed with him in his presence, I believe, but when he had gone, the Fuehrer said to me: "That man, too, has his particular worries. We have more important things to take care of now than universities in Kiev." That I do remember.

THE PRESIDENT: Perhaps we had better adjourn now for 10 minutes.

*[A recess was taken.]*

THE PRESIDENT: Dr. Sauter; one moment. I want to speak to Dr. Nelte first.

Dr. Nelte, in view of your application with reference to this document which is called "Characteristics of General Field Marshal Wilhelm Keitel," the Tribunal have investigated that matter and have referred to Page 4987 of the shorthand notes (Volume VIII, Page 233), which possibly you may have had in mind; but you seem to have failed to notice that this very document, "Characteristics of Keitel," was denied in the order of the Tribunal in Paragraph 2 which contains the decision of the Tribunal after the argument in court, and which is set out on that page of the shorthand notes to which I have referred. Therefore, in the opinion of the Tribunal you have no right to offer that document which the Tribunal have already denied.

DR. NELTE: Mr. President, I have not the entire notes of the session before me. But I know that this affidavit was refused with the explanation that, in case the witness can be called, an affidavit is not to be submitted, and that is the case here.

Thereupon, Sir David Maxwell-Fyfe, in quoting this particular document number of my document book, stated the following: "The

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Tribunal may perhaps remember that in the case of the witness Dr. Blaha, my friend, Mr. Dodd, adopted the practice of asking the witness..." And this affidavit belongs to this document.

THE PRESIDENT: Dr. Nelte, I am quite aware of that and I have already referred you to the exact page of the transcript which I have consulted. But defendants' counsel must be perfectly well aware that the Tribunal have given no decision in open court upon these applications for witnesses and documents, and the Tribunal made it perfectly clear that they would afterwards consider the applications that had been made. In each case a written order, which was perfectly clear, has been issued to the defendants' counsel, setting out the witnesses who are allowed, the witnesses who are denied, interrogatories that are allowed, and the interrogatories that are denied, the documents that were allowed and the documents

which had been denied. In Paragraph 2 of the order is "The Characteristics of Keitel." Therefore, in the opinion of the Tribunal that document should never have been offered. That is all.

DR. NELTE: I tried to explain why I assumed that, in spite of the refusal of the affidavit, the material of the affidavit could be used in the interrogation of the witness.

DR. FRITZ SAUTER (Counsel for Defendants Funk and Schirach): I request permission to put the following questions, on behalf of the Defendant Funk.

[Turning to the witness.] The Defendant Funk joined the Party in the summer of 1931. At that time, as you know, he was the editor-in-chief of the *Berliner Borsenzeitung*. Is it known to you that in this capacity he enjoyed a particular prestige with the press and in German economic circles?

Goering: I know that at that time Funk and his economic articles in the *Borsenzeitung* were highly thought of and that he had many connections in economic circles.

DR. SAUTER: We have heard that the Defendant Funk is accused of having promoted the coming to power of the Party through his activities, and I would be interested in hearing from you whether Funk, before the coming to power of the Party, played any role whatsoever in the Party; or is it correct to say that after resigning as editor-in-chief of the *Berliner Borsenzeitung* he brought out a so-called economic-political information service, not for the Party but for all economic circles, including the German People's Party?

Goering: May I request that the question be put perhaps more precisely; this is a whole narration. But I can reply briefly. Before the seizure of power I was acquainted only with Funk's activity as editor of the *Borsenzeitung*, which I have already mentioned. And as such I heard him repeatedly mentioned in economic circles. Only

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after the seizure did I hear at all of Funk's having been in the Party and of his relationship with it. Thus, his Party activity could not have been of such tremendous significance or he would have come to my attention in some way. So far as his information service is concerned, whether he favored the Democrats or the People's Party, I know nothing about that.

DR.SAUTER: Then after the seizure of power, Funk became Press Chief of the Reich Government. That is known to you?

Goering: Yes.

DR.SAUTER: Then subsequently he became State Secretary in the Reich Propaganda Ministry. That is also known to you?

Goering: Yes.

DR. SAUTER: Now I would be interested to know what his work was as Press Chief of the Reich Government. Had Funk in this work any influence on the decisions of the Reich Cabinet?

Goering: I am well acquainted with the circumstances of Funk's appointment as Reich Press Chief. After the Reich Cabinet had been sworn in, the new Reich Press Chief was to be appointed. We were in a room of the Kaiserhof Hotel, and the Fuehrer did not want anyone from the press organization who was a full Party member, but someone who had had some previous press experience yet had not been so prominent in the Party or bound to it. I do not know exactly who mentioned the name of Funk. But I do know that he then said, "Good!"

Funk was summoned, and I believe that it was a great surprise for him. I had that impression. The Reich Press Chief had at the time, when Hindenburg was still Reich President.

*[There was a pause in the proceedings.]*

THE PRESIDENT: You may go on now.

DR. SAUTER: I would like to repeat the question because it was not coming through. My question was to this effect: At the time that the Defendant Funk was Press Chief in the Reich Government, that is, after the seizure of power, had he any influence at all on the decisions of the Reich Cabinet?

Goering: The Reich Press Chief had no influence of any sort on the decisions of the Reich Cabinet, for his task was of a different nature.

DR. SAUTER: Then Funk became State Secretary in the Propaganda Ministry. Here I am interested to know from you whether he, while exercising this office, was prominent in any way so far as propaganda or press policies were concerned and what his tasks were at that time in the ministry, according to your knowledge of the conditions?

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Goering: He became State Secretary because the Propaganda Ministry took over as its main function the press and the handling of press matters. Purely propaganda activities were carried on from the beginning by Goebbels himself, who was at the same time Propaganda Chief of the Party. Funk was appointed chiefly to organize the ministry as such, and in particular to handle economic matters of the press, that is, the acquisition of press organs, by purchase, subsidy, *et cetera*. His specialized knowledge was mainly utilized in this field.

DR. SAUTER: Then, when Dr. Schacht retired from his offices in November 1937, Funk became his successor as Reich Minister for Economics. The appointment took place in November 1937, but he took over the Ministry only in February 1938. Can you tell us why that was so, and who directed the Ministry of Economics in the interim?

Goering: In discussing the Four Year Plan I explained that after the resignation of Schacht, I personally directed the Ministry from November 1937 to February 1938, as far as I remember, although Funk had already been designated. I did this in order to integrate again into the Ministry of Economics the economic agencies outside the Ministry which were involved in the Four Year Plan. By freeing myself of this burden I was able to administer my directives with the Ministry as such.

DR. SAUTER: A similar situation seems to have existed for the Plenipotentiary General for Economics, Dr. Schacht, if I may again point this out, retired from this office at the same time as from the Ministry of Economics, in November 1937. Funk was appointed his successor, as Plenipotentiary for Economics, however, only in 1938. What is the reason for that?

Goering: He was appointed Plenipotentiary General only in 1938 due to the fact that it was only in 1938 that he actually took over the Ministry of Economics. According to an old regulation, the Plenipotentiary General for Economics was identical with the Reich Minister of Economics. But at this time, during the last part of Schacht's term of office, that was just a matter of form, as I have already said; for I explained that from the minute when I actually took over the Four Year Plan, I personally was de facto the Plenipotentiary General for Economics.

I suggested that this office be abolished, but, as is often the case, some things remain purely for reasons of prestige, things which no longer have any real significance. The Delegate for the Four Year Plan was the sole Plenipotentiary General for the entire German economy. Since there could not be two such men, the other existed only on paper.

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DR. SAUTER: The consequence was, if I may draw this conclusion -- and I ask you to reply to this -- that Dr. Funk in his capacity of Plenipotentiary General for Economics as well as President of the Reich Bank was entirely subordinate to your directives as head of the Four Year Plan. Is that correct?

Goering: Naturally, according to the plenary powers that were given me, he had to comply with my economic directives as far as the Ministry of Economics and the Reich Bank were concerned. That was a reason for the change, because I could not follow this procedure with Schacht, but from the beginning, Funk adopted an irreproachable attitude toward me in this respect. The directions or the economic policy which the Reich Minister of Economics and Reich Bank President Funk carried out are fully and entirely my exclusive responsibility.

DR. SAUTER: Perhaps you remember a birthday letter which the Defendant Funk wrote to Hitler about a week before the Polish campaign, I believe on 25 August, in which he thanked the Fuehrer for something or other. In this letter Funk stated that he had prepared and executed certain measures which, in the case of a war, would be necessary in the field of civilian economy and finance. You will remember this letter, and it has been read already.

Goering: Yes.

DR. SAUTER: Do you remember when you gave Funk these special duties? The letter is dated, I believe 25 August 1939, if I may mention this again. And when did you give this task and these directions to the Defendant Funk?

Goering: Just as military mobilization, or rather mobilization preparations have to be kept up to date and have to keep pace with the political situation -- whether it be tense or relaxed, or when it changes --

economic matters also, as I mentioned in my concluding remarks yesterday, have to keep pace in the same way.

Thus, I ordered thorough preparations for mobilization in this field also. In the matters of foreign exchange and finance it was the duty of the president of the Reich Bank, as of the Reich Economics Ministry, in economic matters to make all preparations which would put me in the position, in the event of war, of having the utmost security for the German people in the economic field as well. At what time exactly I ordered this I cannot tell you, for it was a general basic directive which was always in effect.

DR. SAUTER: What powers did Funk have in the issuing of regulations, *et cetera*, for the economic administration in the occupied territories?

Goering: I can no longer remember in detail now. The general directive he received from me. How far and to whom he,

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proceeding from this directive, issued departmental instructions in his special field in the occupied territory, I cannot say in detail; but they always resulted from my personal responsibility.

DR. SAUTER: Is it correct that the Four Year Plan in the occupied territories had special plenipotentiaries and departments, to the exclusion of Funk, for carrying out your directives?

Goering: In some areas of the occupied territory this was the case. In other areas I made use of the departments existing there; and if I considered it necessary I gave directives to the Economics Ministry also to have this or that done with regard to the occupied territories.

DR. SAUTER: Then during the war the Ministry of Armaments was created, I believe in the spring of 1940. Is it correct that in the course of the war to an ever increasing degree, the authority of the Reich Ministry of Economics and, in the end, the entire civilian production also were transferred to that ministry, so that finally the Ministry of Economics remained as a commerce ministry only?

Goering: At my suggestion, my urgent suggestion, the Fuehrer created a Ministry of Munitions under the then Minister Todt. This strictly munitions ministry became, in the course of further developments, the Armaments Ministry under Minister Speer, and gradually more and more tasks were transferred to it. As armament was the focus of the whole economy and everything else in economy had to be brought exclusively into this focus, a number of tasks of the Ministry of Economics were transferred to the Ministry of Armaments, in particular the whole of production. It is correct that in the end the Ministry of Economics, by and large, was left a hollow shell retaining only very subordinate departments.

DR. SAUTER: Now, I have a final question regarding the Defendant Funk. It is a question in connection with the matter of the Central Planning Board, that is, concerning the matter of foreign workers. I would be interested to learn whether you know, Witness, that Funk was called to attend the

meetings of this Central Planning Board for the first time at the end of November 1943, and never before that time? Is that known to you?

Goering: I know of the Central Planning Board. I never interfered in their internal matters. I cannot state exactly when Funk was called to this board. With the recruiting of foreign workers, however, he had nothing to do.

DR. SAUTER: Mr. President, if you will permit me, I have a few brief questions on behalf of the Defendant Schirach.

*[Turning to the witness.]* Do you know whether the so-called "Flying HJ," a subdivision of the Hitler Youth, ever received flying training?

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Goering: The Flying HJ pursued the sport of gliding exclusively. After this training was completed, these men were taken into the National Socialist Flier Corps, the former Reich Air Sports League, and there continued their training in aircraft flying.

DR. SAUTER: Then another question: Did any conferences take place between you and the Defendant Schirach, especially while he was Reich Youth Leader, which were concerned with the question of military training, or pre-military training of youth in flying? Did such conferences take place or not?

Goering: Whether we discussed these matters occasionally I do not know. There was no need for official conferences, because the situation was entirely clear. The Flying Hitler Youth were interested in gliding, and after they had received preliminary training they were taken into the flying corps.

DR. SAUTER: Do you recall the chart we were shown on the wall representing the organization of the Reich Cabinet? In the lower part, below the remark "other participants in Cabinet meetings," this chart showed the name of the Defendant Schirach along with Bohle, Popitz, Dietrich, and Gerecke. For that reason I would like now to put the following question to you: Was Schirach ever a member of the Reich Cabinet, or what functions or rights did he have in this connection?

Goering: The Reich Cabinet as such consisted solely of the Reich Ministers. We differentiated between two kinds of sessions, Cabinet sessions and Ministerial Council sessions.

The Cabinet sessions were normally attended by the ministers and their state secretaries. In some cases when special subjects were to be discussed, ministerial directors, or higher officials of the ministries concerned, could be called in for a short report. Then there were the so-called highest Reich posts. The Reich Youth Leadership was also one of these. If, therefore, legislation affecting the Reich Youth Leadership was to be discussed by the Cabinet, and Schirach learned about it, he could, by virtue of his position as Reich Youth Leader, request to be called to this meeting. On the same basis the Chief of the Reich Chancellery could order him to attend such a meeting. These representatives never attended the other regular Cabinet sessions. I believe I attended almost all sessions and, as far as I know, Schirach was never present.

In contrast to that were the Ministerial Council sessions to which only Reich ministers were admitted and no one else.

DR. SAUTER: I come now to the period after the fall of Mussolini, when Badoglio took over the government in Italy. Do you recall, Witness, that at that time the Defendant Von Schirach sent a wire with certain suggestions to you?

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Goering: Yes.

DR. SAUTER: What did he suggest and what did he want to accomplish?

Goering: He suggested that I should tell the Fuehrer to make a change in the Foreign Office immediately and to replace Ribbentrop with Von Papen.

DR. SAUTER: Then, a last question on behalf of the Defendant Schirach. Do you recall another letter which the Defendant Schirach wrote, as far as I know, in the spring of 1943? This was a letter occasioned by one from Bormann and, so that you will know just which letter I mean, I shall briefly explain the connection. Bormann at that time dispatched letters, as a formality, to all Gauleiter, according to which the Gauleiter were to report whether they had any ties with foreign countries. Schirach was well aware at the time that this letter was meant solely for him, for the other Gauleiter had no relatives in foreign countries. Schirach wrote a letter which, as far as I know, you read. And thereupon you are supposed to have intervened on behalf of Schirach. Please tell us what kind of letter it was, what was the danger threatening Schirach, and what you and others did to avert this danger?

Goering: I must correct that, and I am fully acquainted with this incident. This letter of Bormann's was not directed to the Gauleiter to establish whether they personally had connections abroad. Bormann sent, by order of the Fuehrer, a letter to all Gauleiter, and it was not a *pro forma* letter intended solely for Gauleiter Schirach, but was intended for all. They were to check the political leaders within their jurisdiction to establish whether any of their co-workers or any political leader subordinate to them had family ties or connections abroad, especially in enemy countries, whereby the individual affected might, in some circumstances, have a conflict of conscience or might be of questionable reliability. That was a general directive of the Fuehrer, which also applied to the Officer Corps and not solely to the case of Schirach. I was at headquarters when Schirach's letter arrived and Bormann gave it to the Fuehrer. Schirach replied that, before he could take any steps in this matter with regard to his collaborators or subordinates, he needed some clarification by the Fuehrer as far as his own person was concerned. He went on to describe in brief, in his letter, his family ties in the United States of America, on his mother's side, and also mentioned in this letter that his connection with his relatives abroad was a very cordial one and asked whether, under these circumstances, it was still possible for the Fuehrer to retain him in his position as Gauleiter. At that time the Fuehrer had not been kindly disposed to Von Schirach for several months and had repeatedly considered withdrawing him from office. He said on this occasion -- and that

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is how I came into possession of this letter, for he handed it to me: "Schirach seems to plan for his future protection. I have a certain suspicion." Then, in the presence of Bormann, I told the Fuehrer very clearly and definitely that this was entirely unfounded; that I could not understand his attitude toward Schirach, and that Schirach had done the only possible and decent thing when, before dismissing any of his collaborators or subordinates for such reasons, he demanded the clarification of his own position, since his connections were known; and that, in my opinion, this letter had no other purpose.

DR. SAUTER: Then, however, in connection with this letter, a rather strange suggestion seems to have been made by someone for further action against Schirach?

Goering: I know that Bormann and Himmler were opposed to Schirach. Whether they wanted to give this letter an entirely different interpretation in order to induce the Fuehrer to recall Schirach and eliminate him, and how far Himmler's suggestion went, whether protective custody was considered, I do not know. But I heard about these things from other sources later on.

DR. SAUTER: Your Honor, I have no further questions.

FLOTTENRICHTER OTTO KRANZBUHLER (Counsel for Defendant Doenitz): Reich Marshal, when did you become acquainted with Admiral Doenitz?

Goering: I met Admiral Doenitz for the first time in his capacity as Admiral and Commander of U-boats during the war, as far as I remember in 1940, at a conference in my special train, in France, I believe.

FLOTTENRICHTER KRANZBUHLER: Was the conference concerned with military or political questions?

Goering: Purely military questions, namely, as to how far now and in the future the Air Force could provide reconnaissance for U-boats in the Atlantic. The then Admiral Doenitz complained that the reconnaissance was too weak and urgently requested me to strengthen it and, as far as I remember, to have it extended to as far as 30 degrees.

FLOTTENRICHTER KRANZBUHLER: Did you have further conferences with Admiral Doenitz before his promotion to Commander-in-Chief in 1943?

Goering: No.

FLOTTENRICHTER KRANZBUHLER: Did you as Commander-in-Chief of the Air Force use so-called emergency seaplanes for the rescue of fliers shot down in the Channel?

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Goering: There were several squadrons of emergency seaplanes assigned to the Channel for the rescue of fliers shot down, both German and enemy fliers, as the order clearly proves.

FLOTTENRICHTER KRANZBUHLER: What did these planes look like?

Goering: These planes were, as far as I remember, marked with the Red Cross.

FLOTTENRICHTER KRANZBUHLER: Were they armed?

Goering: Not at first.

FLOTTENRICHTER KRANZBUHLER: And how were these emergency planes treated by the British?

Goering: There were some instances where they were not molested, but there were a number of cases in which they were shot down while they were engaged in rescue actions. Since these cases became predominant, I said it would be more expedient not to use the Red Cross markings any longer, to have these planes armed and thus try to rescue our comrades from the sea. We had tremendous losses in these emergency sea squadrons.

FLOTTENRICHTER KRANZBUHLER: Did you have lifebuoys anchored in the Channel for shot-down fliers?

Goering: Quite a number of lifebuoys were anchored, to which ropes were attached and to which fliers who had been shot down could cling. The lifebuoys were also equipped with foodstuff, drinking water, life-saving jackets, lifebelts, and the like. Besides these small lifebuoys there were larger ones in the form of small rafts which the fliers could board. There also food, drink, first-aid kits, blankets, and the like, were to be found.

FLOTTENRICHTER KRANZBUHLER: How were these lifebuoys treated by the British?

Goering: In different ways. Some remained, others were destroyed.

FLOTTENRICHTER KRANZBUHLER: I have no further questions.

DR. EXNER: Is it known to you that particularly in 1942 a severe conflict arose between the Fuehrer and Colonel General Jodl?

Goering: Yes.

DR. EXNER: Is it known to you that at that time Jodl was even to be relieved?

Goering: The conflict arose from the Caucasus crisis. The Fuehrer blamed General Jodl for the fact that no concentrated forces had been used to press forward in the direction of Tuapse; but

him that this matter had been discussed with, and approved by him. The Fuehrer severely criticized the commander who was in charge of this sector. Jodl defended him on those grounds, and this led to extremely strained relations. The Fuehrer mentioned to me that he wanted to relieve Jodl. The tension was so strong that from this moment on, as far as I remember, the Fuehrer withdrew from the Officers Club jointly used by both his Operations Staff and High Command, and even took his meals alone. For quite some time, for several months, he refused to shake hands with this gentleman. This illustration is just to show you how great the tension was at that time.

As successor to Jodl, Paulus was already selected; the Fuehrer had special confidence in him. Just why this change did not materialize, I do not know exactly. I assume that here again, despite all tension, the decisive factor for the Fuehrer was that it was extremely hard for him to get used to new faces, and that he did not like to make any changes in his entourage. He preferred to continue working with men of his entourage whom he did not like rather than change them.

In the course of the years, however, his confidence in Jodl's tactical ability increased again considerably; he had complete confidence in his tactical capacity. The personal relations of both gentlemen were never very close.

DR. EXNER: Is it known to you that, particularly in 1945, withdrawal from the Geneva Convention was being considered? Do you know what attitude Jodl took at that time?

Goering: It may have been February 1945, when Minister Goebbels made this proposal to the Fuehrer. This proposal met with the utmost opposition by all of us. In spite of that the Fuehrer reverted to it again and again, and for days was inclined to withdraw from this Convention. The reason given was, oddly enough, that there were too many deserters in the west and that the troops were inclined to surrender too easily. The Fuehrer was of the opinion that if the troops knew that in captivity they were no longer protected by the Geneva Convention, they would fight harder and would not react to the extensive enemy propaganda telling them how well they would be treated if they stopped fighting. The united efforts, in which, of course, Jodl participated, succeeded in dissuading the Fuehrer with the argument that this action would cause great disturbance among the German people and anxiety for their relatives in captivity.

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DR. EXNER: One more question. Before the Norwegian campaign, Jodl entered in his diary -- it has been mentioned here before: "The Fuehrer is looking for a pretense." But that is incorrect. The original reads: "for a basis." Now, to what extent did the Fuehrer look for a basis at that time?

Goering: I remember this point also very well and therefore, I can state under oath that the use of the word "basis" or "pretense" is entirely out of place here. The case was as follows:

The Fuehrer knew exactly, and we knew as well, and had rather extensive intelligence and reliable reports to the effect that Norway was to be occupied by the Allies, England and France. I mentioned this the other day. In order to prevent this, the Fuehrer wanted to act first. He spoke about the fact, that

for us the basis of an Anglo-French attack was clear, but that we had not sufficient proof for the outside world. Hitler explained that he was still trying to get evidence. It would have been better if Jodl had written, not that the Fuehrer was still looking for a basis, but -- according to what the Fuehrer meant -- that the Fuehrer was still looking for conclusive evidence for the outside world. Evidence as such we had. This was one thing. The second was that generally, for such steps the Foreign Office had to execute the necessary preparatory work including the drafting of notes. In the case of Norway, however, the Fuehrer advised the Foreign Office only, I believe, 24 or 48 hours in advance. He did not want to inform it at all at that time because he kept the entire plan extremely secret. I remember that I, as Commander-in-Chief of the Air Force, was informed of this plan at a very late date. This secrecy was the second reason why he himself was concerned with finding a basis for the attack. These were the two reasons. I would like to state again that it would have been expressed much more clearly if he had said that the Fuehrer was looking for evidence, rather than for a basis.

DR. EXNER: If I understand correctly, you mean evidence showing that the British had the intention of occupying Norway?

Goering: We had the report, but the final written evidence we received only later.

DR. EXNER: The Fuehrer had no doubt about this?

Goering: Not for a moment, none of us had any doubt about it. We received the evidence later.

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): Is it correct that Hitler authorized you to conduct all negotiations for the purpose of forming a government under Hitler as it emerged on 30 January 1933, that is, that you alone were commissioned to do this?

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Goering: That is correct. I stated this the other day.

DR. KUBUSCHOK: Is it correct that you talked about the formation of a government with Von Papen for the first time in January 1933?

Goering: I talked with Papen for the first time on a Sunday, 8 days prior to the formation of the Government, in Ribbentrop's home.

DR. KUBUSCHOK: If then, Papen had carried on negotiations concerning the formation of a government between 4 January, the day of the meeting with Hitler in the home of Baron Schroder, and 22 January, he would have had to do this through you, and you would have known it.

Goering: That is correct, because the Fuehrer was in Munich at that time and I was the sole authority in Berlin for the formation of this government. Besides, it was not, at all obvious at the beginning of January that within a reasonable length of time we should have to form such a government. Other negotiations were taking place which had nothing to do with Herr Von Papen.

DR. KUBUSCHOK: Did the formation of a new government in the middle of January become inevitable for Hindenburg because Schleicher had no parliamentary backing and I-As efforts to receive such backing, by negotiations with Gregor Strasser to split the NSDAP were frustrated?

Goering: I believe I have said already in a general way that Schleicher did not receive a parliamentary majority and his attempt at splitting the parties failed for the reason that the Fuehrer immediately eliminated Strasser, who actually had no following among the deputies. Since Schleicher's attempts to get a majority failed, he had to govern without parliament, and that he could do only with extraordinary powers from Hindenburg. Since he had told him previously that he would be able to get a majority, the Reich President refused his demand for extraordinary powers, such as held by the previous Cabinet of Papen, and then decided to do what I stated here the other day.

DR. KUBUSCHOK: Is it correct that Von Papen gave up to you the prime ministership of Prussia on 20 April 1933, because in the elections for the Prussian Landtag of March 1933 the NSDAP had, obtained a clear majority in Prussia, and the Landtag therefore intended to elect you prime minister?

Goering: It is not entirely correct, for the Prussian Landtag did not have to elect a prime minister at that time. But the fact that the NSDAP had the absolute majority, induced Von Papen, in connection with my conferences in Munich, to approach the Fuehrer on his own

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initiative, stating that he would agree to turn over to me the Prussian prime ministership.

DR. KUBUSCHOK: One last question: You mentioned yesterday that you as the Commander-in-Chief of the Air Force granted many reprieves to people in Belgium and France who were sentenced for their resistance. Is it correct that Von Papen on various occasions conveyed to you wishes of relatives of those who had been sentenced; and that he did this for the reason that, in the interest of a later solidarity of the peoples, he did not wish that in such sentences, even if they were militarily justified, an impersonal attitude should develop, and that you complied with the wishes of Von Papen?

Goering: I merely remember that on occasions -- I remember one case especially, for a prominent name was involved -- I received a request from Herr Von Papen, as to whether the person concerned could not be granted a reprieve. It concerned people sentenced because they had assisted enemy airmen to escape. In this case I complied to a large extent with the request of Herr Von Papen. I am no longer quite conversant with the reasons.

DR. WALTER BALLAS (Counsel for Defendant Seyss-Inquart): I ask the Tribunal to permit me to put a few questions to the witness Goering. They concern the well-known telephone conversations of 11 March 1938, between Berlin and Vienna.

*[Turning to the witness.]* Is it correct, that Dr. Seyss-Inquart, when he was appointed Austrian State Councillor in June of 1937, visited you in Berlin accompanied by State Secretary Keppler?

Goering: The date, I do not remember; the visit, yes.

DR. BALLAS: Did Dr. Seyss-Inquart, at that time, express the idea that the Austrian National Socialists should be made entirely independent of the Reich Party?

Goering: Wishes of that nature were discussed by him because he wanted as little friction as possible in his work in the cabinet.

DR. BALLAS: At that time he further mentioned -- and I would like you to answer, whether it is correct -- that the National Socialists were to be given permission to be active in Austria, in order to establish as close a relationship between Austria and Germany as possible within the framework of an independent Austria.

Goering: As far as Party matters are concerned, I do not remember exactly what was discussed. The scheme of keeping Austria independent in its collaboration with Germany was repeatedly advocated by Seyss-Inquart, and I have recently outlined it. It seemed to me personally not extensive enough. Just because I knew this attitude of Seyss-Inquart, I must say frankly that I was a little distrustful of his attitude on the 11th and 12th of March, and therefore on the late afternoon that these telephone conversations took

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place, I sent Keppler to Vienna, so that, as regards the annexation, matters would take their proper course. I would rather have sent someone else, because Herr Keppler was too weak for me; but the Fuehrer's desire in this case was that, if anyone was to be sent, it should be Keppler.

DR. BALLAS: Is it correct that Dr. Seyss-Inquart explained his attitude by pointing out the advantage of having German interests represented by two States?

Goering: It is absolutely correct that he said that. I answered that I was of a completely different opinion; that I would prefer having German interests represented by one state, which could act more energetically than two, as the second might not synchronize.

DR. BALLAS: Did you on 11 March 1938, or on the previous day, have another telephonic or other communication with Seyss-Inquart?

Goering: As far as I recall, but I cannot say with certainty, I believe I did, on the previous Sunday. That is, these telephone conversations were on the 11th, a Friday; on the Monday or Tuesday before I questioned him, or one of his men, on the impression they had had in Graz and Styria. I vaguely remember this but I cannot say so under oath.

DR. BALLAS: Document Number 2949-PS submitted by the Prosecution regarding the conversations between Berlin and Vienna in the critical time of March 1938 shows that only at the time of the conversation between Dr. Dietrich and State Secretary Keppler, who was in Vienna then on your behalf, which took place at 2154 hours -- that only on that day was Dr. Seyss-Inquart's agreement to the telegram, which you had dictated in advance, conveyed by Keppler. Had the order to march into Austria already been given at that time?

Goering: I explained this recently. The order to march in had been given and had nothing to do with the telegram as such. It was immaterial whether or not he was in agreement. The responsibility for the marching in rested with the Fuehrer and me.

DR. BALLAS: Then it is correct that the marching in would have occurred even without the telegram?

Goering: Yes. Of course.

DR. BALLAS: What was the purpose then of this telegram? Had it perhaps something to do with foreign policy?

Goering: I have explained that here in greatest detail.

DR. BALLAS: Do you remember, Witness, that in the night from 11 to 12 March, State Secretary Keppler, in the name of Dr. Seyss-Inquart, telephoned Berlin with the request not to carry out the entry into Austria?

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Goering: I remember this very distinctly for I was extremely enraged that such a senseless telegram -- after everything was ready -- should have disturbed the Fuehrer's rest when he was worn out and was to go to Austria the next day. I therefore severely reprimanded the Fuehrer's adjutant and told him that such a telegram should have been given to me. Because of this I remember the telegram distinctly, and its pointlessness.

DR. BALLAS: With the result then, that the Fuehrer, if I have understood you correctly, gave a flat refusal to this telegram?

Goering: He no longer was able to give a refusal because the entire troop movement was already underway. Such a movement cannot be halted in an hour. Once a troop movement is underway it takes days to halt it. At best we could have halted the movement at a certain point on the march. That was not at all in our interest, as I stated. From this moment on, not Seyss-Inquart, but the Fuehrer and I held the fate of Austria in our hands.

DR. BALLAS: I have only two more questions regarding the Netherlands. Is it correct that, in addition to the order of the Fuehrer which was promulgated on 18 May 1940 naming Dr. Seyss-Inquart Reich Commissioner of the Netherlands, there was an order, not promulgated, which made Seyss-Inquart directly subordinate to you?

Goering: Of this secret order, I know nothing.

THE PRESIDENT: Put your questions more slowly. You can see that the light is flashing.

DR. BALLAS: Had the Four Year Plan its own independent office in the Netherlands?

Goering: I have not yet answered your first question, I understood that you were to put this question once more, because it did not come through.

DR. BALLAS: I understood the Court to mean...

Goering: I shall answer you now on this. Of this secret order, I know nothing. It would have been senseless, for a Reich Commissioner in the occupied territories could not have been subordinate to me separately. But if it is a question of subordination in economic matter, then it is clear that the Reich Commissioner was, of course, under my orders and directions in this field as all other major Reich positions were.

To your second question, I can say that I do not know today in detail whether in the occupied territories, that is also in the Netherlands, there was here and there a direct representative of the Four Year Plan, or whether I used the military commander or the economic department of the Reich Commissioner of the territory concerned. As far as I remember now, without referring to

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documents, in the Netherlands the situation was that the economic counsellor, or the representative of the Reich Commissioner -- Fischbock at that time -- which was logical, executed the economic directions of the Four Year Plan. The Reich Commissioner would never have been in a position not to have carried out orders given by me. He could have protested against them only to me or, in extreme cases, to the Fuehrer, but in itself this did not lead to any suspension.

DR. BALLAS: I have no further questions.

TBE PRESEIDENT: The Tribunal will adjourn.

*[The Tribunal adjourned until 18 March 1946 at 1000 hours.]*

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THE PRESIDENT: Had Dr. Kubuschok finished his cross-examination?

DR. KUBUSCHOK: Yes, Mr. President.

THE PRESIDENT: Very well. Then would any other of the defendants' counsel wish to examine or cross-examine?

PROFESSOR DOCTOR HERBERT KRAUS (Counsel for Defendant Schacht): Professor Kraus for Dr. Ludinghausen on behalf of the Defendant Von Neurath. I ask your permission to put several questions to the witness.

*[Turning to the witness.]* Witness, at the Munich conferences Hitler, it is alleged, put the following question: "What is to happen if the Czechs are not in agreement with our occupation of the Sudetenland?" Thereupon Daladier answered, "Then we will force them." Is that correct?

Goering: This question was actually broached by the Fuehrer during the discussion. Premier Daladier said, in substance, whether with the same words or not, something which corresponds to the sense of this statement. As far as I can still remember fairly exactly, he emphasized that now a decision in that

direction had been reached by the great powers for the purpose of maintaining peace, and this peace must not be threatened anew by Czechoslovakia's refusal, otherwise neither England nor France would feel themselves in any way in duty bound to help, if Czechoslovakia did not follow this advice.

DR. KRAUS: Witness, how long have you known Herr Von Neurath?

Goering: As far as I recall I saw Herr Von Neurath very briefly when he was the German Ambassador to Denmark in 1919, but only for a short time. Later I met him again just before the seizure of power and spoke to him very briefly, I believe; my closer relationship and acquaintance begins from the time after the seizure of power.

DR. KRAUS: Did you have any closer knowledge of his activities as Ambassador in London?

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Goering: That is correct. I did know about his work before, because even in former times, that is in 1931 and 1932, before Herr Von Neurath became Foreign Minister, in discussions about the possible formation of a cabinet, we also considered the name of Herr Von Neurath as a candidate, even though he did not belong to the Party. As a basic consideration in this connection his very position as Ambassador to England played the main role, since we, that is, Hitler as well as I, were of the opinion that Herr Von Neurath's relations as Ambassador to the English Government were very good and that Herr Von Neurath could be an important factor in this field -- that of good relations with England -- which was a basic consideration in the Fuehrer's foreign policy.

DR. KRAUS: Then I may assume that Herr Von Neurath had pursued a policy of peace and understanding in London?

Goering: Yes, you can assume that exactly.

DR. KRAUS: Yes; and can you tell me if, beyond that, Herr Von Neurath made efforts in his capacity as Foreign Minister as well, to continue this policy of peace and understanding?

Goering: When Reich President Von Hindenburg made it a condition, which I have already mentioned, that Herr Von Neurath should become Foreign Minister, the Fuehrer was in full agreement with this condition, because he saw that the task of establishing good relations with England and the West was in good hands. Herr Von Neurath always made every effort in this direction.

DR. KRAUS: I should like to deal with another series of questions.

Were you present at the meeting of the Reich Cabinet on 30 January 1937, during which Hitler gave the Golden Party Emblem to those members of the Cabinet who were not members of the Party, among them also Herr Von Neurath?

Goering: Yes, I was present.

DR. KRAUS: And do you know that Hitler declared on this occasion that it was purely a distinction such as the conferring of an order, and that the gentlemen concerned did not thereby become Party members and had no obligations toward the Party?

Goering: I would not put it just that way. The Fuehrer was speaking spontaneously, since it was the anniversary of the seizure of power, and he said it was his intention in this way to show his confidence in those members of the Reich Cabinet who did not belong to the Party. I believe he used the words, "I should like to ask them to accept this Party Emblem." He said at the time that in his opinion this was a decoration and that he intended, as he actually did later, to develop additional grades of this decoration. The first

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grade of this decoration was to be the Golden Party Emblem. Then, on the spur of the moment, he stepped up to the various ministers and handed them this emblem. In doing so he neither emphasized that they were thereby to consider themselves members of the Party, nor did he emphasize that they were not Party members.

When he came to Herr Von Eltz-Rubenach, this gentleman asked whether he was thereby obliged to stand for the partly anti-clerical tendency of certain Party circles, or something to that effect. The Fuehrer hesitated for a minute and said, "Then you do not wish to accept it?" Whereupon Herr Von Eltz said, "I do not wish to say that. I just wish to make a certain reservation." The Fuehrer was taken aback; immediately he turned around and left the cabinet room.

In this connection it is not correct, as has been maintained, that Herr Von Eltz resigned voluntarily because of this. I followed the Fuehrer immediately and felt, as did all the other gentlemen, that this incident was an insult to the Fuehrer, since membership in the Party had not been mentioned at all. In addition, and this is very important, the Fuehrer was already considering a plan to divide the Ministry of Transport and to re-establish the old Post Ministry and to put the railroad expert Dorpmuller into the Ministry of Transport. The Fuehrer had told me this previously and, as he had left it to me to tell Von Eltz about it gradually, in a diplomatic way, I took this opportunity and went to Herr Von Eltz and said: "Your behavior was impossible, and I think the only thing for you to do is to resign at once." He said, "I did not mean it like that," and he was not willing to hand in his resignation right away. I then asked him abruptly to do so by that evening. I also sent State Secretary Meissner to him to say it would be advisable for him to leave the Cabinet, and hand in his resignation immediately, especially in view of -- and then I gave the explanations concerning the post and railroads as I have just given them.

That was what happened at that conference with regard to the Golden Party Emblem.

DR. KRAUS: Witness, were you present when Hitler, in the evening of 11 March 1938, told Herr Von Neurath in the Reich Chancellery about the entry of the troops into Austria, and informed him of the reasons for this move, and asked him to inform the Foreign Office accordingly, because he himself had to leave?

Goering: I have already mentioned in my remarks about Austria that Foreign Minister Von Ribbentrop was not present. Since the Fuehrer had delegated the representation of the Reich to me, I had asked him to ask Herr Von Neurath to put his experience in foreign affairs at my disposal during this time. Thereupon Herr Von Neurath was asked to come to the Reich Chancellery that evening, I believe, and the Fuehrer told him in broad outlines what you have

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just said. It was to the effect that, if I needed it and requested it, he was to advise me on matters of foreign policy, since the Foreign Minister was not present and I had no experience in answering diplomatic notes, and since it was to be expected that some foreign political action, such as protests and notes, at least, would be taken during the Fuehrer's absence.

DR. KRAUS: Then one is to conclude that Herr Von Neurath was not the deputy of the Foreign Minister but only in his absence was to serve as sort of an adviser to you?

Goering: He was not the deputy of the Foreign Minister; that would not at all have been in keeping with his position and his rank. The deputy of the Foreign Minister was the acting State Secretary.

DR. KRAUS: Von Weizsacker?

Goering: I believe it was Herr Von Mackensen at that time; he also signed the current correspondence in the absence of the Foreign Minister. Herr Von Neurath was only my adviser in such matters of foreign policy as were expected to come up in connection with the Austrian case.

DR. KRAUS: Do you know of the protest which came from the British Ambassador on 11 March 1938, which was addressed, strangely enough, to Herr Von Neurath and in which the British Ambassador protested against the marching in of German troops?

Goering: That is not at all so strange, for on the evening of the marching in of the troops I personally, as I have explained, spoke to the British Ambassador for 2 hours and told him that the Fuehrer was going to Austria the next day; that I would administer the Reich and had for this purpose requested Herr Von Neurath as my foreign political adviser, as Sir Neville Henderson had already hinted that this would not be tolerated without protests. Thus the British Ambassador had already received this information from me the evening before. This explains the fact that he turned to Herr Von Neurath, because I had said to him, "If you come around with your old notes of protest, I personally cannot do very much about them."

DR. KRAUS: Did Herr Von Neurath, after the Foreign Minister had formulated the answer to the protest, notify you by telephone of that answer, and did he ask you whether you would sign it as Hitler's deputy?

Goering: Yes, of course; I was deputy head of State. He had to inform me of the reply and it was also a matter of course that I should say to him, "You sign," for as deputy head of State I could not sign diplomatic notes.

DR. KRAUS: Thank you.

DR. SERVATIUS: Witness, how far were the political leaders informed beforehand of the Fuehrer's foreign political intentions?

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Goering: "Political leaders" is a very comprehensive term. It includes everyone from the Reichsleiter to the Blockleiter or Zellenleiter. Instruction of the entire body of political leaders with regard to matters of foreign policy quite naturally and understandably never took place, and could not take place unless the Fuehrer publicly made known his general foreign political intentions to the entire nation either in the Reichstag or over the radio. The higher officers of the political leaders, for instance, the Reichsleiter or the Gauleiter, were likewise never called together as a group in order to be informed of political intentions which the Fuehrer did not want to announce publicly.

He may personally have mentioned his intentions to one or other of the political leaders, who at the same time held another state office, or who was for some other reason in his confidence -- I should first have to think where that might have been the case. He certainly did not do it to any unit or sub-unit. In his speeches to Gauleiter after the events had taken place, he merely referred to these things each time in retrospect and explained and unfolded his political intentions, which he had, however, already realized by then.

DR. SERVATIUS: I have no further questions.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): Witness, do you know to what extent Von Ribbentrop was informed about military plans and intentions in his capacity as Foreign Minister?

Goering: I do not know the exact details. In general the same principle applies here too, that only such authorities as were competent, as far as these intentions were concerned, were kept informed, particularly so in the case of military intentions. Just how much the Fuehrer told Herr Von Ribbentrop now and again in conversations about his military plans, I did not know.

DR. HORN: Is it correct that Hitler set down the guiding principles for all policies, including foreign policy?

Goering: That is a matter of course. Foreign policy above all was the Fuehrer's very own realm. By that I mean to say that foreign policy on the one hand and the leadership of the Armed Forces on the other hand enlisted the Fuehrer's greatest interest and were his main activity.

DR. HORN: Should I conclude from that that he was interested in the details of foreign policy as well?

Goering: He busied himself exceptionally with these details, as I have just stated, and with particularly great interest in both of these fields.

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DR. HORN: Did Hitler expressly instruct you to keep secret the memorandum on Poland of 30 August 1939?

Goering: He did not expressly instruct me. I do not know whether he knew that I had it in my pocket. But in general he had given such instructions since he had instructed the one who would have had to hand it over, namely, Herr Von Ribbentrop, not to hand it over, so that I actually handed over this memorandum against the express order of the Fuehrer, which constitutes a risk that probably only I -- please do not misunderstand me -- indeed I alone could take and afford.

DR. HORN: You mentioned a few days ago the diversified influence which the various personages had on Hitler. Do you know any facts from which we might conclude that Ribbentrop had not enough influence on Hitler to induce him to change decisions once he had made them?

Goering: As far as influence on Hitler, on the Fuehrer, is concerned, that is a problematical subject. I should like first to confine myself to the question of Herr Von Ribbentrop's influence. Herr Von Ribbentrop definitely had no influence in the sense that he could have steered Hitler in any one direction. To what extent arguments of an objective nature may perhaps have definitely influenced the Fuehrer sometimes to do this or that in respect to foreign political affairs, or to refrain from doing it, or to change it, would have depended entirely on the strength of the arguments and the facts. To what extent that may sometimes have played a role I cannot say, for I was not present at 99 percent of the Fuehrer's conferences with Herr Von Ribbentrop. But Herr Von Ribbentrop had at no time such influence that he could have said, "Do this" or "Do not do it; I consider it a mistake," when the Fuehrer was convinced of the correctness of any matter.

DR. HORN: Do you know facts or observations which might point to the existence of a conspiracy in the highest circles of the government?

Goering: Conspiracy may be variously interpreted. Conspiracies naturally never took place in the sense that men secretly came together and discussed extensive plans in darkness and seclusion. As to conspiracy in the sense that the Fuehrer had comprehensive conferences and as a result of these conferences decided upon joint undertakings, one can only talk of conspiracy here to the extent and I beg of you again not to misunderstand me -- that this took place between the Fuehrer and me until, say, 1941. There was no one who could even approach working as closely with the Fuehrer, who was as essentially familiar with his thoughts and who had the same influence as I. Therefore at best only the Fuehrer and I could have conspired. There is definitely no question of the others.

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DR. HORN: American war propaganda consistently spoke of Germany's aggressive intentions toward the Western Hemisphere. What do you know about this?

Goering: The Western Hemisphere? Do you mean America?

DR. HORN: Yes.

Goering: Even if Germany had completely dominated the nations of Europe, between Germany and the American continent there are, as far as I still recall from my geographic knowledge, about 6,000 kilometers of water, I believe. In view of the smallness of the German fleet and the regrettable lack of bombers to cover this distance, which I have already mentioned, there was never any question of a threat against the American continent; on the contrary, we were always afraid of that danger in reverse, and we would have been very glad if it had not been necessary to consider this at all.

As far as South America is concerned, I know that we were always accused, by propaganda at least, of economic penetration and attempted domination there. If one considers the financial and commercial possibilities which Germany had before and during the war, and if one compares them with those of Great Britain or America, one can see the untenability of such a statement. With the very little foreign exchange and the tremendous export difficulties which we had, we could never constitute a real danger or be in competition. If that had been the case, the attitude of the South American countries would presumably have been a different one. Not the mark, but only the dollar ruled there.

DR. HORN: Thank you.

DR. SIEMERS: The Prosecution have submitted the diary of General Jodl under Document Number 1809-PS. In this diary there are two entries from the first half of 1940, in regard to which I should like to have your opinion. These two entries concern Russia at a time when Germany and Russia were on friendly terms.

I should like to say in advance that the substance of the intentions which are contained in these entries sounds rather fantastic, and that is why I would like to have your opinion as Commander-in-Chief of the Air Force.

I quote the first entry dated 13 February 1940:

"Have learned from Admiral Canaris that the Rewel Squadron is to be employed in full force going from Bulgaria toward the Caucasus. The Air Force must explain with whom this false idea originated."

The second entry of May 1940 reads as follows, and I quote verbatim:

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"Fuehrer rejects request of the Air Force to set up a listening post in the Caucasus."

I would like you to tell me what the thoughts were which guided you in these plans as Commander-in-Chief of the Air Force, and what facts were the basis of those thoughts.

Goering: If these entries were made on the basis of a report by Admiral Canaris, who was the chief of foreign intelligence, and if they were entered by Jodl in connection with the special long reconnaissance Rewel Squadron, it is because of the former's connection with this squadron -- to which he himself

frequently assigned intelligence or espionage tasks -- that he had heard of my intention to use it -- which was something which I wanted to have kept especially secret. He apparently informed the High Command of the Armed Forces, where this action, or the intended action, met with complete misapprehension and could not be understood.

My intention in this connection -- and I had personally ordered it -- was entirely clear. The statement that it was to do reconnaissance work in or in the direction of the Caucasus is not quite correct. It would have been more correct to say in the direction of the Caucasus, Syria, and Turkey. But this mistake may have occurred in the report transmitted by Canaris.

I had received more and more intelligence reports to the effect that from Asia Minor actions were to be undertaken against the Russian oil fields of the Caucasus -- Baku -- and likewise actions for the purpose of gravely disrupting the oil supply from Romania to Germany.

As Commander-in-Chief of the Air Force I was the one chiefly interested in obtaining Romanian oil as well as Caucasian oil, more precisely petroleum and gasoline, on the basis of a trade agreement with Russia, because at that time the refineries were not completed and not working to capacity. A disturbance in either one of these supplying regions would have affected my Air Force very badly. Therefore I had to watch this closely. I anticipated disruption of the oil regions in the Caucasus.

I had the agents' report checked by very reliable people and found that in Syria an army was actually formed under General Weygand which had the name of "Orient Army." I was more interested, however, in the concentration of squadrons of aircraft in the Syrian area, not only of French but also English squadrons. As far as I remember I received these reports about the intentions of the French-British air squadrons through agents in Turkey, that is to say, from Turks, because there had been negotiations with Turkey regarding permission to fly over her territory in order to carry out

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the intention of the English-French air squadrons of suddenly bombing the Baku area and thereby severely damaging the Russian oil fields and eliminating deliveries to Germany.

I therefore had to, or rather I was obliged to find out constantly, through long-range reconnaissance flights, the extent to which the airfields in Syria were becoming more active than before. There could be no other reason for massing aircraft there exactly at this time, for it was not a theater of war nor was any threat there on the part of Germany at that moment. On the contrary, it would have been understandable if all British and French aircraft had been needed in England and France themselves.

If, therefore, my long-range reconnaissance flights established the fact that the airdromes in Syria were being used more than ever, and further confirmed that possibly the airfields in the east of Turkey were being increased, this would have been, and actually was, a confirmation of the alleged intentions. In this case, as soon as I was fully convinced of this, I should have to point out to the Fuehrer that Germany should draw Russia's attention to the danger threatening her.

The establishing of listening posts, not in the Caucasus but before the Caucasus, naturally served the same purpose, namely that of setting up secret radio stations along the general line of flight, Syria-Caucasus, Syria-Baku, East Turkey-Baku, one, two or three, in order to find out whether preparatory flights by the French and English Air Forces were taking place; that is to say, reconnaissance on the oilfields, *et cetera*, in order to get more information that way also.

Since at the time I did not yet have conclusive and final proof in my hands, I kept these things to myself and dealt with them only in the offices responsible to my sector of the Air Force until I could obtain a clear picture. Only later, after the termination of the French campaign, absolute confirmation of these intentions was obtained by the discovery of the secret reports of the French General Staff and of the meetings of the combined Supreme Military Council of England and France, which proved that my information was entirely correct and that a plan for a surprise bombing attack on all the Russian oilfields had been prepared. In the meantime the confirmation of the plan to eliminate the Romanian oilfields, already known to us, was communicated to the Romanian Government and this attack on neutral Romania was then prevented.

DR. SIEMERS: I understood you correctly, did I not, that these plans were made by both England and France?

Goering: Yes.

DR. SIEMERS: And that the intelligence you received was to the effect that the attacks on the oilfields were directly aimed at the

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then neutral Russia and also indirectly at Germany by the cutting off of her oil supply?

Goering: Of course.

DR. SIEMERS: Thank you.

HERR BOEHM: Witness, is it true, as the Prosecution maintains that you were ReichsFuehrer of the SA?

Goering: I was not ReichsFuehrer of the SA, there never was such a title. In 1923, on 9 November, I was a commander of the SA, which at that time existed only in Bavaria and to a small extent in Wurttemberg.

HERR BOEHM: According to that, how long were you commander of the SA?

Goering: I have just told you, until November 1923.

HERR BOEHM: From 1921 on?

Goering: From the beginning of 1923.

HERR BOEHM: What was your influence before and after 1923 respectively in regard to the leadership of the SA, the indoctrination of the people, and the giving of orders?

Goering: Please repeat the question.

HERR BOEHM: What was your influence before and after 1923 as far as the leadership of the SA, the indoctrination of the SA men, and the issuing of orders were concerned?

Goering: From the beginning of 1923 until 9 November 1923 my influence was complete and absolute, that is, I commanded the SA directly. After 1923 I was no longer entitled to have anything to do with the SA itself, nor did I.

HERR BOEHM: How was it before 1923, the relationship before 1923 as well as after 1923?

Goering: I beg your pardon?

HERR BOEHM: Was your relationship to the SA the same before 1923 as afterwards?

Goering: I have explained this very precisely. Until November 1923 I was commander of the SA with full power and authority to give orders. After 1923 I had nothing more to do with the SA as far as giving orders was concerned, but I was only -- I do not know what year it was, perhaps 1936 or so -- connected with the SA in an honorary capacity, but without exercising any authority. Besides, I had no occasion to do so.

HERR BOEHM: In the course of your testimony during the last week in connection with the SA people, you said that they

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were always ready to make great sacrifices. Now I would like you to tell me what kind of sacrifices these were.

Goering: The sacrifices of the SA men were these: they gave nearly all their leisure time to the movement without being reimbursed; they did without family life or recreation, so that in difficult times of our struggle for power they were always at the disposal of the Party, for election campaigns, continuous parades, protection of meetings, *et cetera*. In my eyes this is a considerable sacrifice, if one considers that most members of the SA were workers and minor employees who needed the few hours of their leisure more for rest, but who were always ready to be fully at the disposal of the Party and to work for their political ideals according to their political beliefs.

HERR BOEHM: Were these people promised material advantages?

Goering: None at all.

HERR BOEHM: Is it correct that particularly after the seizure of power a great number of communist agitators crept into the SA?

Goering: Please repeat the question.

HERR BOEHM: Is it correct that especially after the seizure of power, a great number of communist agitators were able to creep into the SA?

Goering: That was a very noticeable and vital matter. As after the seizure of power action was taken against the Communist Party, which was something they had logically expected, a number of members of the Red Front battle organization joined the SA, especially in large cities where this was easier. This was all the easier because the then head of the SA, Rohm, indiscriminately admitted SA men, or rather men into the SA, who did not need to be members of the Party, as was formerly required. Anyone could therefore become an SA man without belonging to the Party.

At the same time Hugenberg's German National Party also started a political battle organization which he called the "Green Shirts." These were also to be taken into the SA now, just as the Stahlhelm, as by themselves they seemed purposeless.

I personally remember one day when 400 to 500 of these people assembled at the Wilhelmstrasse to be enrolled in the SA. I saw these people from my window and definitely noticed that elements were involved which did not belong there. I immediately summoned the police and had a check made. Ninety-eight percent of these men had their communist Red Front membership cards in their pockets.

THE PRESIDENT: Dr. Boehm, the Tribunal considers that this is all cumulative to what the defendant has already said in his examination in chief. He has given us a long account of the SA in

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his examination in chief. He has added nothing in the course of what he is now saying.

HERR BOEHM: According to the Prosecution, it is asserted that the SA was composed of terror-gangsters. I feel in duty bound to correct or clarify this statement in this respect by asking...

THE PRESIDENT: That has nothing to do with what I said. It may be that the Prosecution have said that. Probably they have. What I was pointing out to you was that the Defendant Goering has been all over this ground in the evidence he has already given. The Tribunal does not wish to hear the same evidence twice.

HERR BOEHM: Yes, that may apply to my first three questions in a way.

*[Turning to the witness.]* I should like to ask further in what way you influenced the SA in connection with the Versailles Treaty? Did you tell the people that the Versailles Treaty should be annulled by diplomatic means or by war?

Goering: This question is extremely difficult to answer. If I made a speech to my SA men in 1923 I could not very well say much about diplomacy. They would not have understood that. Rather the question was quite simply to be rid of Versailles. The ordinary SA man was not at all concerned with the "how" or the "what." That is the task of the leadership. I did not say, "I promise that you will never have war"; or that we were only a purely pacific organization and that we should try by protests only to

rid the world of Versailles. But neither did I say to them, "In the next few years we will march out and make war." In reality I did not tell them anything. I said that they would have to be obedient and have confidence in the leadership, and leave what was to be done to the leadership -- that that was proper, and a basic attitude -- every SA man knew that from our speeches and from the Party program. Among all the people the wish was -- of every decent German, I hope -- to be rid of Versailles.

HERR BOEHM: According to your knowledge, and apart from the period of 1923, from 1921 to 1945, was the SA and also the organ of the SA, that is, the leadership of the SA as well as the individual member, informed that the NSDAP intended after the seizure of power to dominate other states and to make war with that purpose in mind, even in disregard of the rules of war and the laws of humanity if need be?

Goering: I do not quite know just what one imagines the SA leadership and the entire SA to be. It is quite impossible that anyone should stand up and say, Listen, we wish: (1) to overthrow and subjugate and dominate all other states; (2) to wage war continuously; (3) to destroy everything and act as inhumanly as possible; and (4) to pay thereby no attention to any law of war.

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I cannot imagine that anyone but an insane person would have made such statements before the SA or anyone else. The SA was never instructed politically in any way. It was told: "You will march tomorrow, and the day after leaflets will be distributed and then..." as I have already explained.

BERR BOEHM: During the time of the seizure of power there were various excesses on the part of the SA. Was this a matter of measures undertaken by individual members, or were these measures in accordance with instructions of the SA leadership?

Goering: In no case, I believe, in accordance with instructions from the middle or even the higher SA leadership offices. In an organization of a million young people there will always be a certain percentage of rowdies, especially in the large cities. As I have already mentioned, there was a considerable number of agitators in the organization; that thereby individual excesses on the part of individuals or groups of like-minded persons will occur, is entirely inevitable.

HERR BOEHM: Did the SA leadership in principle ever sanction individual actions on the part of its members?

Goering: I have already stated that I had very little to do with the leadership of the SA, but I do not think so.

HERR BOEHM: Is it correct that the police were forbidden to take steps against excesses on the part of individual members of the SA?

Goering: In the beginning that was not the case at all. By that I mean that, on the contrary, the police had orders to take most decisive action in such cases, and particularly the Police Commissioner of Berlin, who was not of the Party, Admiral Von Levetzow, retired, acted very vigorously here. That may

even have been the reason for his being removed by the Fuehrer, 2 years later, I believe, owing to continued complaints by the Berlin Gauleiter Goebbels.

BERR BOEHM: How was it later on? If I understood you correctly, you said that in the beginning that was not the case; later the police must have been forbidden to intervene in the case of excesses by members of the SA?

Goering: No, it is not to be understood that way. At all times the police intervened against excesses by individual SA men, as far as I remember. A number of SA men were even convicted.

HERR BOEHM: In the Prussian police system, and in the police system of the other states, were only SA members used, or was it rather that all Germans who at that time volunteered to enter the police service were examined and according to the results of this examination were then used or not used?

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Goering: There was a purging of the police according to our ideas, that is, an investigation was made to see which elements were so strongly bound to the party of the opponents, that is, to hostile parties, that their use no longer seemed possible. These people were eliminated. But that was a very small percentage in comparison with the actual total number of police. They were replaced, and municipal police in particular, who wore uniforms, were increased. Voluntary applications for this came from all sides. Of course, members of our own organizations were in part favored; but a number of people were also taken who were not in these organizations, and those who came from the organizations had to take tests of aptitude for the police services. Many of them did not pass the test and were not taken. That is how things were as long as I was concerned with the police. What happened later I cannot tell you exactly.

HERR BOEHM: Is it correct that the SA after 1934, besides training for sports, was used mainly for emergencies, to line the route on the occasion of marches, to shovel snow, to clean UD bomb damage, and so forth?

Goering: After 1934 the importance of the SA declined tremendously. This is understandable, for their chief task no longer existed after the seizure of power. They were used to the fullest extent for the purposes just mentioned by you. Then during the war they had pre-military duties; and after the war they were to have formed a pool for the former military clubs, so that they could be joined to the SA as veterans associations. That was the intention, in order to give the SA a further sphere of activities.

HERR BOEHM: Do you know that the Stahlhelm, by virtue of an agreement between the Fuehrer and Seldte, were taken into the SA reserves in a body?

Goering: Yes.

HERR BOEHM: Is it correct that after 1933, like the Stahlhelm, the riding clubs of that time were also taken into the SA through the so-called conformity measures?

Goering: I believe that is correct.

HERR BOEHM: Was the SA leadership and its members before or after 1933 at any time informed of the results of cabinet consultations, or of the decisions taken by the Cabinet?

Goering: I have already said in my general remarks just how the leadership of the SA should be regarded. No, of course not.

HERR BOEHM: The Indictment states in connection with the presentation of the charge of aggressive war and the participation of the SA in such a war, that the SA took part in its preparation in that before the war it annually trained about 25,000 officers in special schools. You must surely have known something about that?

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Goering: The training of officers of the Armed Forces was carried out solely in the Armed Forces' own military schools, and I could never understand how the SA could be in a position from the purely technical point of view, and as regards organization, to train officers for the Armed Forces. In addition, it seems to me that the training of 25,000 officers a year is far in excess of the number of officers needed for the Armed Forces. It would have been very nice if we had had so many, but this number, at all events for several years, is just as incorrect as the statement that the SA had to train officers. The training of officers was done by the Armed Forces entirely and exclusively.

HERR BOEHM: But men do seem to have been trained. Do you know where these men were trained and for what purpose? Do you know anything about Fuehrer Schools?

Goering: Yes, there were Fuehrer Schools for every organization. Every organization had its schools where it taught and trained those who in its own cadres were to have some sort of leading position. I can only imagine that the Prosecution confused things perhaps, or perhaps wanted to say that some of the SA leaders had received a certain preliminary pre-military training, in the reading of maps or something similar. That, however, is beyond the scope of my knowledge.

HERR BOEHM: May I ask you to explain the relation of the Feldherrnhalle to the SA or the Armed Forces? Was there a formation, or a regiment by the name of Feldherrnhalle? What was particular about this?

Goering: After the SS had been allowed several companies by the Fuehrer as armed units -- and these actually represented military formations, as, for instance, the Leibstandarte, Grossdeutschland and others -- the SA leadership requested that it be granted at least one unit which it might arm with rifles and small arms, as a parade unit, I might say, and this unit was called Feldherrnhalle. Lutze, the then SA leader, suggested to the Fuehrer that I should be made the head of this unit. It is a position of honor to be the head of a regiment or a unit. When I saw this unit for the first time -- I believe in a body at a Party rally at Nuremberg -- it pleased me immensely because it was composed of only outstanding, especially selected young men.

Really I thanked the SA rather badly for this special honor, for after seeing this excellent unit I dissolved it a few weeks later and took it over in a body into the Air Force and made of it my first paratroop regiment. So, after a brief existence, this unit became simply an Armed Forces formation, a regiment of the Air Force. Because of this procedure, which was unpleasant for the SA, it was quite some time, I believe, before the SA leader Lutze decided to

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form a similar unit with the name of Feldhermhalle and he kept this unit very much smaller; it did sentry duty for the supreme SA leadership, and he did not make me the head of this unit a second time.

BEER BOEHM: According to my information, as well as information I personally received from SA GruppenFuehrer and ObergruppenFuehrer, and other information which I obtained myself through reading, the Feldherrnhalle was not armed until it passed into the Air Force. Is that correct?

Goering: No, that is not correct. I think, but I cannot say under oath with certainty, that they received rifles shortly before but only rifles. But as I said before, I do not know exactly.

In this connection, as the Prosecution has referred to this point I should like to emphasize that this regiment was already provided for as a paratroop regiment in Case Green. After Case Green had been peacefully settled, that is, after the Sudetenland question had been solved peacefully, and long after the occupation of the Sudetenland, I made this regiment bail out and land there, as originally intended, but purely for purposes of practice and maneuvers. This was the landing at Freudenthal which the Prosecution has mentioned. By this time they were already in blue uniforms when they landed and were therefore already a regiment of the Air Force. Merely as a matter of courtesy I had invited the SA leader Lutze to watch this demonstration.

HERR BOEHM: In this war did the SA ever play a strategic or tactical role in connection with the deployment of forces?

Goering: No, the SA as such was never used in combat with the Armed Forces as the SA or as an SA unit, either tactically otherwise. It may be that toward the end there were certain units in the Volkssturm.

HERR BOEHM: Is it correct that the SA as a body co-operate with the Armed Forces in the occupation of Austria, the Sudetenland, and the Czech State?

Goering: In the case of Austria, the Austrian SA, which was there on the spot, did not take part in the occupation for it had been called up there in a few places as auxiliary police. Actually the so-called Austrian Legion, which was in the Reich, was at my express command and at the express wish of Seyss-Inquart, held back for long time and was not allowed to go home until after the absolute consolidation of the Austrian situation. It did come from Austria originally. How far units of the SA marched into the Sudetenland after the zone was given over to Germany, I do not know. I hear that there were also Sudeten Germans involved here who had had

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to flee prior to that time and who were now returning. In connection with the occupation of the rest of Czechoslovakia, I cannot possibly imagine that SA formations played any part in the entry of our troops.

HERR BOEHM: Could the members of the SA have known that possibly, according to the intention of the SA leadership, they would or could be used for the carrying out of punishable acts?

Goering: I did not quite get the substance of that question.

HERR BOEHM: Could the members of the SA have known that according to the intention of the SA leadership they might possibly be used to commit crimes?

Goering: Crimes, never.

HERR BOEHM: Now, I have a last question, but I believe that in a certain sense you have already answered it. Did the members of the SA know, or could they know, or ought they to have known, the aims and purposes of the SA at any time, so that they could recognize the intention of the SA leadership, or of the staff leadership, to commit crimes against peace, war crimes, and crimes against humanity as stated in the Indictment?

Goering: I have already answered this.

THE PRESIDENT: The Tribunal will adjourn for 10 minutes.

*[A recess was taken.]*

HERR BOEHM: Mr. President, I should like to ask you to permit me to put one more basic question, namely, the question of honorary leadership.

*[Turning to the witness.]* There were honorary leaders in the SA, for instance, the ObergruppenFuehrer, GruppenFuehrer, BrigadeFuehrer, StandartenFuehrer, and SturmFuehrer. Witness, I should like you to explain to me what the significance of the honorary leader in the organization of the SA was as far as the training of the SA and the issuing of orders to the SA was concerned -- what kind of influence he might have had.

Goering: The honorary leaders of the SA were appointed for all sorts of reasons and motives. They had an exclusively representative function, that is to say, they took part in party ceremonies wearing the SA uniform. They were by no means active members of the SA, and were not informed of any internal activities of the SA, or of operations and other tasks. Their function was purely decorative.

DR. RUDOLF MERKEL (Counsel for Gestapo): Witness, can one say that the Gestapo in the year 1933, when it was created by you,

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was a National Socialist combat unit, or was it rather a state organization such as, for example, the criminal police or other state and Reich authorities?

Goering: I have already emphasized that this was a purely state organization built around the already existing political police force, which was merely being reorganized and brought into line with the new state principles. At this time it had not even the slightest connection with the Party. The Party had no influence, or authority to give orders or directives of any sort; it was exclusively a state institution. The members who were in it already, or who came into it, were at this time officials with all the rights and duties of such.

DR. MERKEL: To your knowledge, did the position change in any way between the time the State Police was taken over by Himmler and 1945?

Goering: Until 1934 it was exactly as I described it. Then with the further expansion, the SS element did certainly become stronger and perhaps more people from this sector were brought in, but even these -- at that time they all had to pass an examination -- became and remained officials. I heard later that nothing changed as far as this official character was concerned, but gradually in the course of years all officials, whether they wanted to or not, had, I believe, to take on some rank in the SS, so that a Gestapo official, who perhaps until the year 1939 or 1940 had had nothing to do with the SS, and whose employment dated from the old days -- that is, he had been a police official of the Weimar Republic -- was automatically given some rank or other in the SS. But he remained an official, that is, the Gestapo was an apparatus for officials in the German police force.

DR. MERKEL: Do you know whether it is true that after the seizure of power Himmler, in his capacity as Police Commissioner of Munich, was at the same time the head of the political police and the criminal police in Bavaria?

Goering: As far as I know, and as I have already explained, Himmler was first of all Police Commissioner of Munich. Very shortly afterwards, it may perhaps have been one or two weeks, he called himself Police Commander of Bavaria. Then in the course of one and one half months -- it all took place very quickly -- he became -- what he called himself I do not know exactly -- in fact the supreme police chief of all German provinces and free cities, with the exception of Prussia.

DR. MERKEL: You said before that the officials of the Gestapo were taken into the SS. Did this happen voluntarily, or was there some coercion on the part of the administrative authorities to make these officials part of the SS?

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Goering: I believe -- I heard this only from individual officials whom I had known before -- that they had to do this. They were not taken into the SS, but they received an official rank in the SS. It was probably Himmler's idea that the SS and the police, both of which were under his leadership, should be amalgamated. How he contemplated that and how it worked out in detail I cannot say. Therefore, I may perhaps have stated some things incorrectly here, but I did it to the best of my knowledge.

DR. MERKEL: You said before that the 1933 officials of the political police existing at that time were taken into the state police. Was this done on the basis of a voluntary application by these officials, or were they commanded or transferred in individual cases without their concurrence?

Goering: You are not correct when you say that the officials of the former political police were simply incorporated into the Gestapo; on the contrary, in this sector the weeding out was very drastic, because it was a political police force, and up to then had contained representatives of those parties which were hostile and opposed to us. They had to be removed. Consequently new people came in, especially as its strength was considerably increased. These new officials were taken from the other police departments, from the criminal police and elsewhere, and, as I have already stated, were in some cases brought in from outside as new recruits, and our people were naturally given special consideration. To what extent normal transfers took place -- whether Herr Muller was transferred from the criminal police to the Secret State Police, and whether he was asked about this, I really do not know. I believe not. I left that to the head of the Secret State Police. After I had set up the general directives, I could not be bothered with every single official in the criminal police.

DR. MERKEL: Do you know ObergruppenFuehrer Muller, the Chief of Division IV in the Reich Main Security Office?

Goering: I knew him.

DR. MERKEL: Did you know that he and his immediate associates came from the Bavarian Political Police, as it existed before 1933?

Goering: I did not know that; I knew only that he came from Bavaria.

DR. MERKEL: Do you know that the Secret State Police did not take part in the disturbances on 9 November 1938?

Goering: It has always been my conviction that they did not take part in them. I saw a document here which instructed them not to intervene. I do not believe that they took part.

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DR. MERKEL: If I understood you correctly, you said recently that on this 9th of November, after your return to Berlin, you at once called up the chief of the Gestapo. Did you make this call only because you wanted more precise information, or did you make it because you thought the Gestapo had taken an active part in these disturbances, had organized them and carried them out?

Goering: If I had been convinced that the Gestapo had instigated the disturbances I would certainly not have asked them for information. I gave the order to my collaborators through the police, and in this case through the Gestapo, because they had the necessary connections, or to the criminal police -- it was all the same to me. I could address myself only to the Chief of Police, who was Heydrich, and say that I wanted a report quickly on what had happened; a report which merely stated the facts.

DR. MERKEL: It is correct that when you gave up your position as Chief of the Police to Himmler you made the statement that it was unworthy of a German official to ill-treat prisoners, and that you would not fail to deal most severely with any officials who were guilty of such acts?

Goering: The speech I made on this occasion is known and it contains such passages.

DR. MERKEL: Do you know that there was an order from the Reich Security Main Office -- that is, issued after your resignation -- which forbade any official or employee of the state police, under threat of the most severe punishment, to beat prisoners or ill-treat them?

Goering: It is possible. I no longer know what orders were issued after my resignation.

DR. MERKEL: Putting this question in the negative, is it known to you that there never was an order to manhandle prisoners or torture them, either at the time when you were chief of the Secret State Police or later?

Goering: I can only say with absolute certainty that I did not issue or permit any such order. I no longer know what was or was not issued in this connection at a later date or in provinces other than Prussia.

DR. MERKEL: Do you know anything to the effect that, contrary to these orders, such acts regularly took place in the Gestapo; or rather, if such an act did take place, did it have to do only with individual cases or individual excesses?

Goering: At the time when I was still directly connected with the Gestapo such excesses did, as I have openly stated, take place. In order to punish them, one naturally had to find out about them. Punishments were administered. The officials knew that if they did

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such things they ran the risk of being punished. A large number of them were punished. I cannot say what the practice was later.

DR. MERKEL: I have no more questions.

HERR LUDWIG BABEL (Counsel for SS): Witness, did the same conditions apply for the appointment of honorary leaders in the SS as in the SA?

Goering: Yes, I believe so.

HERR BABEL: Are you familiar with the directives or other regulations regarding the appointment of honorary leaders?

Goering: No.

HERR BABEL: Was it possible to refuse the appointment?

Goering: Yes, I believe so.

HERR BABEL: Do you know what the reasons were for the expansion of the Waffen-SS into the large permanent organization existing after 1939?

Goering: The first divisions of the Waffen-SS, which consisted of the best specially selected human material, fought with outstanding bravery in combat. Consequently the Fuehrer gladly agreed to Himmler's suggestion that still more divisions be set up. The Army and also the Air Force did make some protest, and quite rightly, because this creaming off of the best voluntary material meant that men of that type, who would have made equally good officers, were partly lost to the Army and the Air Force, and therefore they opposed this expansion. Also, in the beginning, the Fuehrer was not very keen to have armed formations of any appreciable size outside the ranks of the Armed Forces, but he gave way more and more. When replacement difficulties became even more acute as the war went on, Himmler more or less deceived the Fuehrer with the statement that he was in a position to provide a large number of SS divisions, that this would create a greater attraction for recruiting, and so on. This, of course, was welcome news to the Fuehrer since he needed troops badly. But in point of fact already at that time Himmler was using altogether different methods which had not much in common with purely voluntary recruiting, and he created first of all on paper a number of new SS divisions and cadres. At that time he had not the men for this. He then told the Fuehrer, "I have transferred my best UnterFuehrer from the other SS divisions to these new ones." For this and other reasons replacements in men did not flow in and the Army and the Air Force, especially the Air Force, were those who bore the brunt of this. I now had to help fill these SS divisions with men from the ground staffs and from the antiaircraft batteries. This aroused much dissatisfaction among the men in the Air Force, because none of them wanted to volunteer

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for these formations. But in the end the Fuehrer ordered that men be taken from the reserve units of the Army and, as far as I remember, from naval reserves also. I can speak only for that contingent which was taken from the Air Force by coercion and by command. I should estimate, without reference to official records that there were at least about 50,000 men and officers. Then because this aroused such strong feeling, I arranged that all men from the Air Force who were to be used for land fighting in the future should no longer go to the SS, but to the new parachute divisions which were to be formed. The Fuehrer agreed, because the last phase of the war the parachute divisions proved to be the most trusty and the most distinguished in the whole Armed Forces, and superior to the SS in fighting spirit and power of resistance. From then on no further contingents of the Air Force were incorporated into the SS, and, as far as I know, no more SS divisions were created

HERR BABEL: I have no further questions.

DR. HANS LATERNSER: Witness, what was the attitude of the General Staff of the Army towards the possibility of being involved in a war with other powers?

Goering: Their attitude was, if I may say so, purely professional that is to say, the General Staff had to study theoretically and practically all the possibilities and contingencies of a war. Its attitude toward its

own tasks and conceptions was -- I must say this openly -- very reticent and timid one for a general staff. This is probably be attributed to the fact that most of the General Staff officers had come from the Reichswehr. The whole attitude of mind in small Reichswehr during the last decade and a half was such that they could hardly imagine that a military clash might come, and consequently a much more pacific attitude than is normally the case with soldiers was to be found among the General Staff of the Army.

DR. LATERNSER: Do you know generals or admirals who urge and incited war?

Goering: No.

DR. LATERNSER: I have no further questions.

THE PRESIDENT: Do the Chief Prosecutors wish to cross examine?

MR. JUSTICE JACKSON: You are perhaps aware that you are the only living man who can expound to us the true purposes of the Nazi Party and the inner workings of its leadership?

Goering: I am perfectly aware of that.

MR. JUSTICE JACKSON: You, from the very beginning, together with those who were associated with you, intended to overthrow and later did overthrow, the Weimar Republic?

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Goering: That was, as far as I am concerned, my firm intention.

MR. JUSTICE JACKSON: And, upon coming to power, you immediately abolished parliamentary government in Germany?

Goering: We found it to be no longer necessary. Also I should like to emphasize the fact that we were moreover the strongest parliamentary party, and had the majority. But you are correct, when you say that parliamentary procedure was done away with, because the various parties were disbanded and forbidden.

MR. JUSTICE JACKSON: You established the Leadership Principle, which you have described as a system under which authority existed only at the top, and is passed downwards and is imposed on the people below; is that correct?

Goering: In order to avoid any misunderstanding, I should like once more to explain the idea briefly, as I understand it. In German parliamentary procedure in the past responsibility rested with the highest officials, who were responsible for carrying out the anonymous wishes of the majorities, and it was they who exercised the authority. In the Leadership Principle we sought to reverse the direction, that is, the authority existed at the top and passed downwards, while the responsibility began at the bottom and passed upwards.

MR. JUSTICE JACKSON: In other words, you did not believe in and did not permit government, as we call it, by consent of the governed, in which the people, through their representatives, were the source of power and authority?

Goering: That is not entirely correct. We repeatedly called on the people to express unequivocally and clearly what they thought of our system, only it was in a different way from that previously adopted and from the system in practice in other countries. We chose the way of a so-called plebiscite. We also took the point of view that even a government founded on the Leadership Principle could maintain itself only if it was based in some way on the confidence of the people. If it no longer had such confidence, then it would have to rule with bayonets, and the Fuehrer was always of the opinion that that was impossible in the long run -- to rule against the will of the people.

MR. JUSTICE JACKSON: But you did not permit the election of those who should act with authority by the people, but they were designated from the top downward continuously, were they not?

Goering: Quite right. The people were merely to acknowledge the authority of the Fuehrer, or, let us say, to declare themselves in agreement with the Fuehrer. If they gave the Fuehrer their confidence, then it was their concern to exercise the other functions. Thus, not

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the individual persons were to be selected according to the will of the people, but solely the leadership itself.

MR. JUSTICE JACKSON: Now, was this Leadership Principle supported and adopted by you in Germany because you believed that no people are capable of self-government, or because you believed that some may be, not the German people; or that no matter whether some of us are capable of using our own system, it should not be allowed in Germany?

Goering: I beg your pardon, I did not quite understand the question, but I could perhaps answer it as follows:

I consider the Leadership Principle necessary because the system which previously existed, and which we called parliamentary or democratic, had brought Germany to the verge of ruin. I might perhaps in this connection remind you that your own President Roosevelt, as far as I can recall -- I do not want to quote it word for word -- declared, "Certain peoples in Europe have forsaken democracy, not because they did not wish for democracy as such, but because democracy had brought forth men who were too weak to give their people work and bread, and to satisfy them. For this reason the peoples have abandoned this system and the men belonging to it." There is much truth in that statement. This system had brought ruin by mismanagement and according to my own opinion, only an organization made up of a strong, clearly defined leadership hierarchy could restore order again. But, let it be understood, not against the will of the people, but only when the people, having in the course of time, and by means of a series of elections, grown stronger and stronger, had expressed their wish to entrust their destiny to the National Socialist leadership.

MR. JUSTICE JACKSON: The principles of the authoritarian government which you set up required, as I understand you, that there be tolerated no opposition by political parties which might defeat or obstruct the policy of the Nazi Party?

Goering: You have understood this quite correctly. By that time we had lived long enough with opposition and we had had enough of it. Through opposition we had been completely ruined. It was now time to have done with it and to start building up.

MR. JUSTICE JACKSON: After you came to power, you regarded it necessary, in order to maintain power, to suppress all opposition parties?

Goering: We found it necessary not to permit any more opposition, yes.

MR. JUSTICE JACKSON: And you also held it necessary that you should suppress all individual opposition lest it should develop into a party of opposition?

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Goering: Insofar as opposition seriously hampered our work of building up, this opposition of individual persons was, of course, not tolerated. Insofar as it was simply a matter of harmless talk, it was considered to be of no consequence.

MR. JUSTICE JACKSON: Now, in order to make sure that you suppressed the parties, and individuals also, you found it necessary to have a secret political police to detect opposition?

Goering: I have already stated that I considered that necessary, just as previously the political police had existed, but on a firmer basis and larger scale.

MR. JUSTICE JACKSON: And upon coming to power you also considered it immediately necessary to establish concentration camps to take care of your incorrigible opponents?

Goering: I have already stated that the reason for the concentration camps was not because it could be said, "Here are a number of people who are opposed to us and they must be taken into protective custody." Rather they were set up as a lightning measure against the functionaries of the Communist Party who were attacking us in the thousands, and who, since they were taken into protective custody, were not put in prison. But it was necessary, as I said, to erect a camp for them -- one, two, or three camps.

MR. JUSTICE JACKSON: But you are explaining, as the high authority of this system, to men who do not understand it very well, and I want to know what was necessary to run the kind of system that you set up in Germany. The concentration camp was one of the things you found immediately necessary upon coming into power, was it not? And you set them up as a matter of necessity, as you saw it?

Goering: That was faultily translated -- it went too fast. But I believe I have understood the sense of your remarks. You asked me if I considered it necessary to establish concentration camps immediately in order to eliminate opposition. Is that correct?

MR. JUSTICE JACKSON: Your answer is "yes," I take it?

Goering: Yes.

MR. JUSTICE JACKSON: Was it also necessary, in operating this system, that you must not have persons entitled to public trials in independent courts? And you immediately issued an order that your political police would not be subject to court review or to court orders, did you not?

Goering: You must differentiate between the two categories; those who had committed some act of treason against the new state, or those who, might be proved to have committed such an act, were naturally turned over to the courts. The others, however, of whom

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one might expect such acts, but who had not yet committed them, were taken into protective custody, and these were the people who were taken to concentration camps. I am now speaking of what happened at the beginning. Later things changed a great deal. Likewise, if for political reasons -- to answer your question -- someone was taken into protective custody, that is, purely for reasons of state, this could not be reviewed or stopped by any court. Later, when some people were also taken into protective custody for nonpolitical reasons, people who had opposed the system in some other way, I once, as Prussian Prime Minister and Reich Minister of the Interior, I remember...

MR. JUSTICE JACKSON: Let's omit that. I have not asked for that. If you will just answer my question, we shall save a great deal of time. Your counsel will be permitted to bring out any explanations you want to make.

You did prohibit all court review and considered it necessary to prohibit court review of the causes for taking people into what you called protective custody?

Goering: That I answered very clearly, but I should like to make an explanation in connection with my answer.

MR. JUSTICE JACKSON: Your counsel will see to that. Now, the concentration camps and the protective custody...

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks the witness ought to be allowed to make what explanation he thinks right in answer to this question.

MR. JUSTICE JACKSON: The Tribunal thinks that you should be permitted to explain your answer now, and it will listen to your answers.

THE PRESIDENT: I did not mean that to apply generally to his answers. I meant it to apply to this particular answer.

Goering: In connection with your question that these cases could not be reviewed by the court, I want to say that a decree was issued through me and Frick jointly to the effect that those who were turned over to concentration camps were to be informed after 24 hours of the reason for their being turned

over, and that after 48 hours, or some short period of time, they should have the right to an attorney. But this by no means rescinded my order that a review was not permitted by the courts of a politically necessary measure of protective custody. These people were simply to be given an opportunity of making a protest.

MR. JUSTICE JACKSON: Protective custody meant that you were taking people into custody who had not committed any crimes but who, you thought, might possibly commit a crime?

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Goering: Yes. People were arrested and taken into protective custody who had not yet committed any crime, but who could be expected to do so if they remained free, just as extensive protective measures are being taken in Germany today on a tremendous scale.

MR. JUSTICE JACKSON: Now, it is also a necessity, in the kind of state that you had, that you have some kind of organization to carry propaganda down to the people and to get their reaction and inform the leadership of it, is it not?

Goering: The last part of that question has not been intelligibly translated.

MR. JUSTICE JACKSON: Well, you had to have organizations to carry out orders and to carry your propaganda in that kind of state, didn't you?

Goering: Of course, we carried on propaganda, and for this we had a propaganda organization.

MR. JUSTICE JACKSON: And you carried that on through the Leadership Corps of the Nazi Party, did you not?

Goering: The Leadership Corps was there, of course, partly to spread our ideas among the people. Secondly, its purpose was to lead and organize the people who made up the Party.

MR. JUSTICE JACKSON: Through your system of Gauleiter and Kreisleiter down to Blockleiter, commands and information went down from the authority, and information as to the people's reactions came back to the leadership, didn't it?

Goering: That is correct. The orders and commands that were to be given for propaganda or other purposes were passed down the grades as far as necessary. On the other hand, it was a matter of course that the reactions of the broad masses of the people were again transmitted upwards, through the various offices, in order to keep us informed of the mood of the people.

MR. JUSTICE JACKSON: And you also had to have certain organizations to carry out orders -- executive organizations, organizations to fight for you if necessary, did you not?

Goering: Yes, administrative organizations were, of course, necessary. I do not quite understand -- organizations to fight what?

MR. JUSTICE JACKSON: Well, if you wanted certain people killed you had to have some organization that would kill them, didn't you? Rohm and the rest of them were not killed by Hitler's own hands nor by yours, were they?

Goering: Rohm -- the Rohm affair I explained here clearly -- that was a matter of State necessity...

MR. JUSTICE JACKSON: I did not ask you...

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Goering: ... and was carried out by the police.

MR. JUSTICE JACKSON: But when it was State necessity to kill somebody, you had to have somebody to do it, didn't you?

Goering: Yes, just as in other countries, whether it is called secret service or something else, I do not know.

MR. JUSTICE JACKSON: And the SA, the SS, and the SD, organizations of that kind, were the organizations that carried out the orders and dealt with people on a physical level, were they not?

Goering: The SA never received an order to kill anybody, neither did the SS, not in my time. Anyhow, I had no influence on it. I know that orders were given for executions, namely in the Rohm Putsch, and these were carried out by the police, that is, by a State organ.

MR. JUSTICE JACKSON: What police?

Goering: As far as I recall, through the Gestapo. At any rate, that was the organization that received the order. You see, it was a fight against enemies of the State.

MR. JUSTICE JACKSON: And the SS was for the same purpose, was it not?

Goering: Not in north Germany at that time; to what extent that was the case in south Germany, where the Gestapo and the SS were still separated, and who carried out the action in south Germany, I do not know.

MR. JUSTICE JACKSON: Well, the SS carried out arrests and carried out the transportation of people to concentration camps, didn't they? You were arrested by the SS, weren't you?

Goering: Yes, I say, yes; but later.

MR. JUSTICE JACKSON: At what time did the SS perform this function of acting as the executor of the Nazi Party?

Goering: After the seizure of power, when the police came to be more and more in the hands of Himmler. It is difficult for me to explain to an outsider where the SS or where the Gestapo was active. I have already said that the two of them worked very closely together. It is known that the SS guarded the camps and later carried out police functions.

MR. JUSTICE JACKSON: And carried out other functions in the camps?

Goering: To what functions do you refer?

MR. JUSTICE JACKSON: They carried out all of the functions of the camps, didn't they?

Goering: If an SS unit was guarding a camp and an SS leader happened to be the camp commander, then this unit carried out all the functions.

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MR. JUSTICE JACKSON: Now, this system was not a secret system. This entire system was openly avowed, its merits were publicly advocated by yourself and others, and every person entering into the Nazi Party was enabled to know the kind of system of government you were going to set up, wasn't he?

Goering: Every person who entered the Party knew that we embraced the Leadership Principle and knew the fundamental measures we wanted to carry out, so far as they were stated in the program. But not everyone who joined the Party knew down to the last detail what was going to happen later.

MR. JUSTICE JACKSON: But this system was set up openly and was well known, was it not, in every one of its details? As to organization, everybody knew what the Gestapo was, did they not?

Goering: Yes, everyone knew what the Gestapo was.

MR. JUSTICE JACKSON: And what its program was in general, not in detail?

Goering: I explained that program clearly. At the very beginning I described that publicly, and I also spoke publicly of the tasks of the Gestapo, and I even wrote about it for foreign countries.

MR. JUSTICE JACKSON: And there was nothing secret about the establishment of a Gestapo as a political police, about the fact that people were taken into protective custody, about the fact that these were concentration camps? Nothing secret about those things, was there?

Goering: There was at first nothing secret about it at all.

MR. JUSTICE JACKSON: As a matter of fact, part of the effectiveness of a secret police and part of the effectiveness of concentration camp penalties is that the people do know that there are such agencies, isn't it?

Goering: It is true that everyone knows that if he acts against the state he will end up in a concentration camp or will be accused of high treason before a court, according to the degree of his crime. But the original reason for creating the concentration camps was to keep there such people whom we rightfully considered enemies of the State.

MR. JUSTICE JACKSON: Now, that is the type of government -- the government which we have just been describing -- the only type of government which you think is necessary to govern Germany?

Goering: I should not like to say that the basic characteristic of this government and its most essential feature was the immediate setting up of the Gestapo and the concentration camps in order to, take care of our opponents, but that over and above that we had

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set down as our government program a great many far more important things, and that those other things were not the basic principles of our government.

MR. JUSTICE JACKSON: But all of these things were necessary things, as I understood you, for purposes of protection?

Goering: Yes, these things were necessary because of the opponents that existed.

MR. JUSTICE JACKSON: And I assume that that is the only kind of government that you think can function in Germany under present conditions?

Goering: Under the conditions existing at that time, it was, in my opinion, the only possible form, and it also demonstrated that Germany could be raised in a short time from the depths of misery, poverty, and unemployment to relative prosperity.

MR. JUSTICE JACKSON: Now, all of this authority of the State was concentrated -- perhaps I am taking up another subject. Is it the intent to recess at this time?

THE PRESEIDENT: The Tribunal will adjourn.

*[The Tribunal recessed until 1400 hours.]*

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### ***Afternoon Session***

DR. STAHLER: The witness Dahlerus has been in Nuremberg for several days and is waiting to testify. He has informed me that he must be in Stockholm again by Thursday without fail. For this reason he requests, and I am asking the High Tribunal's permission, that he be called as a witness tomorrow morning, even if the cross-examination has not been completed. The Prosecution have all agreed to my proposal.

THE PRESIDENT: Did you say the Prosecution had agreed to your proposal?

DR. STAHLER: Yes, My Lord. I contacted the four gentlemen involved and they have agreed to this.

THE PRESIDENT: How long do you anticipate that the examination in chief of the witness will take? You cannot answer for the cross-examination.

DR. STAHLER: I believe that I will need half a day, that is, until tomorrow noon. I cannot say definitely, but it is quite probable it will last as long as that.

THE PRESIDENT: His evidence is relevant only to the few days before the 1st of September 1939?

DR. STAHLER: There are two additional questions, but these questions may be answered, very briefly. He seems to have made two further efforts after September, but those are very brief questions.

THE PRESIDENT: It appears to the Tribunal that half a day is a totally unnecessary time for the examination in chief of a witness who is going to speak about events during a few days before the war began.

DR. STAHLER: I would not say that, Mr. President. It is not just a few days. These negotiations started already at the end of June or the beginning of July. I should like to add further that I shall naturally limit myself to such questions as are necessary for the Trial, but these questions should be asked.

THE PRESIDENT: The Tribunal agrees, if the Prosecution is willing for this evidence to be interposed. The Tribunal trusts that you will find it possible to make your examination in chief much shorter than you have indicated.

MR. JUSTICE JACKSON: Witness, you have related to us the manner in which you and others co-operated in concentrating all authority in the German State in the hands of the Fuehrer, is that right?

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Goering: I was speaking about myself and to what extent had a part in it.

MR. JUSTICE JACKSON: Is there any defendant in the box you know of who did not co-operate toward that end as far as was possible?

Goering: That none of the defendants here opposed or obstructed the Fuehrer in the beginning is clear, but I should like to call youi attention to the fact that we must always distinguish between different periods of time. Some of the questions that are being put to me are very general and, after all, we are concerned with a period extending over 24 to 25 years, if a comprehensive survey is to be made.

MR. JUSTICE JACKSON: Now, I want to call your attention to the fruits of this system. You, as I understand it, were informed in 1940 of an impending attack by the German Army on Soviet Russia?

Goering: I have explained just how far I was informed of these matters.

MR. JUSTICE JACKSON: You believed an attack not only to be unnecessary, but also to be unwise from the point of view of Germany itself?

Goering: At that particular time I was of the opinion that this attack should be postponed in order to carry through other tasks which I considered more important.

MR. JUSTICE JACKSON: You did not see any military necessity for an attack at that time, even from the point of view of Germany?

Goering: Naturally, I was fully aware of Russia's efforts in the deployment of her forces, but I hoped first to put into effect the other strategic measures, described by me, to improve Germany's position. I thought that the time required for these would ward off the critical moment. I well knew, of course, that this critical moment for Germany might come at any time after that.

MR. JUSTICE JACKSON: I can only repeat my question, which I submit you have not answered.

Did you at that time see any military necessary for an attack by Germany on Soviet Russia?

Goering: I personally believed that at that time the danger had not yet reached its climax, and therefore the attack might not yet be necessary. But that was my personal view.

MR. JUSTICE JACKSON: And you were the Number 2 man at that time in all Germany?

Goering: It has nothing to do with my being second in importance. There were two conflicting points of view as regards strategy.

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The Fuehrer, the Number 1 man, saw one danger, and I, as the Number 2 man, if you wish to express it so, wanted to carry out another strategic measure. If I had imposed my will every time, then I would probably have become the Number 1 man. But since the Number 1 man was of a different opinion, and I was only the Number 2 man, his opinion naturally prevailed.

MR. JUSTICE JACKSON: I have understood from your testimony -- and I think you can answer this "yes" or "no," and I would greatly appreciate it if you would -- I have understood from your testimony that you were opposed, and told the Fuehrer that you were opposed, to an attack upon Russia at that time. Am I right or wrong?

Goering: That is correct.

MR. JUSTICE JACKSON: Now, you were opposed to it because you thought that it was a dangerous move for Germany to make; is that correct?

Goering: Yes, I was of the opinion that the moment -- and I repeat this again -- had not come for this undertaking, and that measures should be taken which were more expedient as far as Germany was concerned.

MR. JUSTICE JACKSON: And yet, because of the Fuehrer system, as I understand you, you could give no warning to the German people; you could bring no pressure of any kind to bear to prevent that step, and you could not even resign to protect your own place in history.

Goering: These are several questions at once. I should like to answer the first one.

MR. JUSTICE JACKSON: Separate them, if you wish.

Goering: The first question was, I believe, whether I took the opportunity to tell the German people about this danger. I had no occasion to do this. We were at war, and such differences of opinion, as far as

strategy was concerned, could not be brought before the public forum during war. I believe that never has happened in world history.

Secondly, as far as my resignation is concerned, I do not wish even to discuss that, for during the war I was an officer, a soldier, and I was not concerned with whether I shared an opinion or not. I had merely to serve my country as a soldier.

Thirdly, I was not the man to forsake someone, to whom I had given my oath of loyalty, every time he was not of my way of thinking. If that had been the case there would have been no need to bind myself to him from the beginning. It never occurred to me to leave the Fuehrer.

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MR. JUSTICE JACKSON: Insofar as you know, the German people were led into the war, attacking Soviet Russia under the belief that you favored it?

Goering: The German people did not know about the declaration of war against Russia until after the war with Russia had started. The German people, therefore, had nothing to do with this. The German people were not asked; they were told of the fact and of the necessity for it.

MR. JUSTICE JACKSON: At what time did you know that the war, as regards achieving the objectives that you had in mind, was a lost war?

Goering: It is extremely difficult to say. At any rate, according to my conviction, relatively late -- I mean, it was only towards the end that I became convinced that the war was lost. Up till then I had always thought and hoped that it would come to a stalemate.

MR. JUSTICE JACKSON: Well, in November 1941 the offensive in Russia broke down?

Goering: That is not at all correct. We had reverses because of weather conditions, or rather, the goal which we had set was not reached. The push of 1942 proved well enough that there was no question of a military collapse. Some corps, which had pushed forward, were merely thrown back, and some were withdrawn. The totally unexpected early frost that set in was the cause of this.

MR. JUSTICE JACKSON: You said, "relatively late." The expression that you used does not tell me anything, because I do not know what you regard as relatively late. Will you fix in terms, either of events or time, when it was that the conviction came to you that the war was lost?

Goering: When, after 12 January 1945, the Russian offensive pushed forward to the Oder and at the same time the Ardennes offensive had not penetrated, it was then that I was forced to realize that defeat would probably set in slowly. Up to that time I had always hoped that, on the one side, the position at the Vistula toward the East and, on the other side, the position at the West Wall towards the West, could be held until the flow of the new mass produced weapons should bring about a slackening of the Anglo-American air war.

MR. JUSTICE JACKSON: Now, will you fix that by date; you told us when it was by events.

Goering: I just said January 1945; middle, or end of January 1945. After that there was no more hope.

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MR. JUSTICE JACKSON: Do you want it understood that, as a military man, you did not realize until January of 1945 that Germany could not be successful in the war?

Goering: As I have already said, we must draw a sharp distinction between two possibilities: First, the successful conclusion of a war, and second, a war which ends by neither side being the victor. As regards a successful outcome, the moment when it was realized that that was no longer possible was much earlier, whereas the realization of the fact that defeat would set in did not come until the time I have just mentioned.

MR. JUSTICE JACKSON: For some period before that, you knew that a successful termination of the war could only be accomplished if you could come to some kind of terms with the enemy; was that not true?

Goering: Of course, a successful termination of a war can only be considered successful if I either conquer the enemy or, through negotiations with the enemy, come to a conclusion which guarantees me success. That is what I call a successful termination. I call it a draw, when I come to terms with the enemy. This does not bring me the success which victory would have brought but, on the other hand, it precludes a defeat. This is a conclusion without victors or vanquished.

MR. JUSTICE JACKSON: But you knew that it was Hitler's policy never to negotiate and you knew that as long as he was the head of the Government the enemy would not negotiate with Germany, did you not?

Goering: I knew that enemy propaganda emphasized that under no circumstances would there be negotiations with Hitler. That Hitler did not want to, negotiate under any circumstances, I also knew, but not in this connection. Hitler wanted to negotiate if there were some prospect of results; but he was absolutely opposed to hopeless and futile negotiations. Because of the declaration of the enemy in the West after the landing in Africa, as far as I remember, that under no circumstances would they negotiate with Germany but would force on her unconditional surrender, Germany's resistance was stiffened to the utmost and measures had to be taken accordingly. If I have no chance of concluding a war through negotiations, then it is useless to negotiate, and I must strain every nerve to bring about a change by a call to arms.

MR. JUSTICE JACKSON: By the time of January 1945 you also knew that you were unable to defend the German cities against the air attacks of the Allies, did you not?

Goering: Concerning the defense of German cities against Allied air attacks, I should like to describe the possibility of doing this as follows: Of itself ...

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MR. JUSTICE JACKSON: Can you answer my question? Time may not mean quite as much to you as it does to the rest of us. Can you not answer "yes" or "no"? Did you then know, at the same time that you knew that the war was lost, that the German cities could not successfully be defended against air attack by the enemy? Can you not tell us "yes" or "no"?

Goering: I can say that I knew that, at that time, it was not possible.

MR. JUSTICE JACKSON: And after that time it was well known to you that the air attacks which were continued against England could not turn the tide of war, and were designed solely to effect a prolongation of what you then knew was a hopeless conflict?

Goering: I believe you are mistaken. After January 1945 there were no more attacks on England, except perhaps a few single planes, because at that time I needed all my petrol for the fighter planes for defense. If I had had bombers and oil at my disposal, then, of course, I should have continued such attacks up to the last minute as retaliation for the attacks which were being carried out on German cities, whatever our chances might have been.

MR. JUSTICE JACKSON: What about robot attacks? Were there any robot attacks after January 1945?

Goering: Thank God, we still had one weapon that we could use. I have just said that, as long as the fight was on, we had to hit back; and as a soldier I can only regret that we did not have enough of these V-1 and V-2 bombs, for an easing of the attacks on German cities could be brought about only if we could inflict equally heavy losses on the enemy.

MR. JUSTICE JACKSON: And there was no way to prevent the war going on as long as Hitler was the head of the German Government, was there?

Goering: As long as Hitler was the Fuehrer of the German people, he alone decided whether the war was to go on. As long as my enemy threatens me and demands absolutely unconditional surrender, I fight to my last breath, because there is nothing left for me except perhaps a chance that in some way fate may change, even though it seems hopeless.

MR. JUSTICE JACKSON: Well, the people of Germany who thought it was time that the slaughter should stop had no means to stop it except revolution or assassination of Hitler, had they?

Goering: A revolution always changes a situation, if it succeeds. That is a foregone conclusion. The murder of Hitler at this time, say January 1945, would have brought about my succession. If

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the enemy had given me the same answer, that is, unconditional surrender, and had held out those terrible conditions which had been intimated, I would have continued fighting whatever the circumstances.

MR. JUSTICE JACKSON: There was an attack on Hitler's life on 20 July 1944?

Goering: Unfortunately, yes.

MR. JUSTICE JACKSON: And there came a time in 1945 when Hitler made a will in Berlin whereby he turned over the presidency of the Reich to your co-defendant, Admiral Doenitz. You know about that?

Goering: That is correct. I read of this will here.

MR. JUSTICE JACKSON: And in making his will and turning over the Government of Germany to Admiral Doenitz, I call your attention to this statement:

"Goering and Himmler, quite apart from their disloyalty to my person, have done immeasurable harm to the country and the whole nation by secret negotiations with the enemy which they conducted without my knowledge and against my wishes, and by illegally attempting to seize power in the State for themselves."

And by that will he expelled you and Himmler from the Party and from all offices of the State.

Goering: I can only answer for myself. What Himmler did I do not know.

I neither betrayed the Fuehrer, nor did I at that time negotiate with a single foreign soldier. This will, or this final act of the Fuehrer's, is based on an extremely regrettable mistake, and one which grieves me deeply -- that the Fuehrer could believe in his last hours that I could ever be disloyal to him. It was all due to an error in the transmission of a radio report and perhaps to a misrepresentation which Bormann gave the Fuehrer. I myself never thought for a minute of taking over power illegally or of acting against the Fuehrer in any way.

MR. JUSTICE JACKSON: In any event you were arrested and expected to be shot?

Goering: That is correct.

MR. JUSTICE JACKSON: Now, in tracing the rise of power of the Party you have omitted some such things as, for example, the Reichstag fire of 27 February 1933. There was a great purge following that fire, was there not, in which many people were arrested and many people were killed?

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Goering: I do not know of a single case where a man was killed because of the Reichstag fire, except that of the incendiary Van der Lubbe, who was sentenced by the court. The other two defendants in this trial were acquitted. Herr Thalmann was not, as you recently erroneously believed, accused; it was the communist representative, Torgler. He was acquitted, as was also the Bulgarian Dimitroff. Relatively few arrests were made in connection with the Reichstag fire. The arrests which you attribute to the Reichstag fire are the arrests of communist functionaries. These arrests, as I have repeatedly stated and wish to emphasize once more, had nothing to do with this fire. The fire merely precipitated their arrest and upset our carefully planned action, thus allowing several of the functionaries to escape.

MR. JUSTICE JACKSON: In other words, you had lists of Communists already prepared at the time of the Reichstag fire of persons who should be arrested, did you not?

Goering: We had always drawn up, beforehand, fairly complete lists of communist functionaries who were to be arrested. That had nothing to do with the fire in the German Reichstag.

MR. JUSTICE JACKSON: They were immediately put into execution -- the arrests, I mean -- after the Reichstag fire?

Goering: Contrary to my intention of postponing this action for a few days and letting it take place according to plan, thereby perfecting the arrangements, the Fuehrer ordered that same night that the arrests should follow immediately. This had the disadvantage, as I said, of precipitating matters.

MR. JUSTICE JACKSON: You and the Fuehrer met at the fire, did you not?

Goering: That is right.

MR. JUSTICE JACKSON: And then and there you decided to arrest all the Communists that you had listed?

Goering: I repeat again that the decision for their arrests had been reached some days before this; it simply meant that on that night they were immediately arrested. I would rather have waited a few days according to plan; then some of the important men would not have escaped.

MR. JUSTICE JACKSON: And the next morning the decree was presented to President Von Hindenburg, suspending the provisions of the constitution which we have discussed here, was it not?

Goering: I believe so, yes.

MR. JUSTICE JACKSON: Who was Karl Ernst?

Goering: Karl Ernst -- whether his first name was Karl I do not know -- was the SA leader of Berlin.

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MR. JUSTICE JACKSON: And who was Helldorf?

Goering: Count Helldorf was the subsequent SA leader of Berlin.

MR. JUSTICE JACKSON: And Heines?

Goering: Heines was the SA leader of Silesia at that time.

MR. JUSTICE JACKSON: Now, it is known to you, is it not, that Ernst made a statement confessing that these three burned the Reichstag and that you and Goebbels planned and furnished the incendiary materials of liquid phosphorus and petroleum which were deposited by you in a subterranean passage for them to get, which passage led from your house to the Reichstag building? You knew of such a statement, did you not?

Goering: I do not know of any statement by the SA leader Ernst. But I do know of some fairytale published shortly after in the foreign press by Rohm's chauffeur. This was after 1934.

MR. JUSTICE JACKSON: But there was such a passage from the Reichstag building to your house, was there not?

Goering: On one side of the street is the Reichstag building, and opposite is the palace of the Reichstag president. The two are connected by a passage along which the wagons run which carry the coke for the central heating.

MR. JUSTICE JACKSON: And, in any event, shortly after this, Ernst was killed without a trial and without a chance to tell his story, was he not?

Goering: That is not correct. The Reichstag fire was in February 1933. Ernst was shot on 30 June 1934, because together with Rohm he had planned to overthrow the Government and had plotted against the Fuehrer. He, therefore, had a year and a quarter in which he could have made statements regarding the Reichstag fire, if he had wished to do so.

MR. JUSTICE JACKSON: Well, he had begun to make statements, had he not, and you were generally being accused of burning the Reichstag building? You knew that, did you not? That was the ...

Goering: That accusation that I had set fire to the Reichstag came from a certain foreign press. That could not bother me because it was not consistent with the facts. I had no reason or motive for setting fire to the Reichstag. From the artistic point of view I did not at all regret that the assembly chamber was burned; I hoped to build a better one. But I did regret very much that I was forced to find a new meeting place for the Reichstag and, not being able to find one, I had to give up my Kroll Opera House, that is, the second State Opera House, for that purpose. The opera seemed to me much more important than the Reichstag.

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MR. JUSTICE JACKSON: Have you ever boasted of burning the Reichstag building, even by way of joking?

Goering: No. I made a joke, if that is the one you are referring to, when I said that, after this, I should be competing with Nero and that probably people would soon be saying that, dressed in a red toga and holding a lyre in my hand, I looked on at the fire and played while the Reichstag was burning. That was the joke. But the fact was that I almost perished in the flames, which would have been very unfortunate for the German people, but very fortunate for their enemies.

MR. JUSTICE JACKSON: You never stated then that you burned the Reichstag?

Goering: No. I know that Herr Rauschning said in the book which he wrote, and which has often been referred to here, that I had discussed this with him. I saw Herr Rauschning only twice in my life and only for a short time on each occasion. If I had set fire to the Reichstag, I would presumably have let

that be known only to my closest circle of confidants, if at all. I would not have told it to a man whom I did not know and whose appearance I could not describe at all today. That is an absolute distortion of the truth.

MR. JUSTICE JACKSON: Do you remember the luncheon on Hitler's birthday in 1942 at the Kasino, the officers' mess, at the headquarters of the Fuehrer in East Prussia?

Goering: No.

MR. JUSTICE JACKSON: You do not remember that? I will ask that you be shown the affidavit of General Franz Halder, and I call your attention to his statements which may refresh your recollection. I read it.

"On the occasion of a luncheon on the Fuehrer's birthday in 1942, the people around the Fuehrer turned the conversation to the Reichstag building and its artistic value. I heard with my own ears how Goering broke into the conversation and shouted: 'The only one who really knows the Reichstag is I, for I set fire to it.' And saying this he slapped his thigh."

Goering: This conversation did not take place and I request that I be confronted with Herr Halder. First of all I want to emphasize that what is written here is utter nonsense. It says, "The only one who really knows the Reichstag is I." The Reichstag was known to every representative in the Reichstag. The fire took place only in the general assembly room, and many hundreds or thousands of people knew this room as well as I did. A statement of this type is utter nonsense. How Herr Halder came to make that statement I do not know. Apparently that bad memory, which also let him down in military matters, is the only explanation.

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MR. JUSTICE JACKSON: You know who Halder is?

Goering: Only too well.

MR. JUSTICE JACKSON: Can you tell us what position he held in the German Army?

Goering: He was Chief of the General Staff of the Army, and I repeatedly pointed out to the Fuehrer, after the war started, that he would at least have to find a chief who knew something about such matters.

MR. JUSTICE JACKSON: Now, the Rohm purge you have left a little indefinite. What was it that Rohm did that he was shot? What acts did he commit?

Goering: Rohm planned to overthrow the Government, and it was intended to kill the Fuehrer also.. He wanted to follow it up by a revolution, directed in the first place against the Army, the officers' corps -- those groups which he considered to be reactionary.

MR. JUSTICE JACKSON: And you had evidence of that fact?

Goering: We had sufficient evidence of that fact.

MR. JUSTICE JACKSON: But he was never tried in any court where he would have a chance to tell his story as you are telling yours, was he?

Goering: That is correct. He wanted to bring about a Putsch and therefore the Fuehrer considered it right that this thing should be nipped in the bud -- not by a court procedure, but by smashing the revolt immediately.

MR. JUSTICE JACKSON: Were the names of the people who were killed in that purge, following the arrest of Rohm, ever published?

Goering: Some of the names, yes; but not all of them, I believe.

MR. JUSTICE JACKSON: Who actually killed Rohm? Do you know?

Goering: I do not know who personally carried out this action.

MR. JUSTICE JACKSON: To what organization was the order given?

Goering: That I do not know either, because the shooting of Rohm was decreed by the Fuehrer and not by me, for I was competent in north Germany.

MR. JUSTICE JACKSON: And who took into custody those who were destined for concentration camps, and how many were there?

Goering: The police carried out the arrest of those who were, first of all, to be interrogated, those who were not so serious.

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incriminated and of whom it was not known whether they were incriminated or not. A number of these people were released very soon, others not until somewhat later. Just how many were arrested in this connection I cannot tell you. The arrests were made by the police.

MR. JUSTICE JACKSON: The Gestapo, you mean?

Goering: I assume so.

MR. JUSTICE JACKSON: And if Milch testified that he saw 700 or 800 in Dachau in 1935, there must have been a very much larger number arrested, since you say many were released. Do you know the number that were arrested?

Goering: I state again, I do not know exactly how many were arrested because the necessary arrests, or the arrest of those who were considered as having a part in this, did not go through me. My action ended, so to speak, on the date when the revolt was smashed. I understood Milch a little differently and I sent a note to my counsel in order that it be made clear, through a question whether Milch meant by these 700 people those concerned with the Rohm Putsch or whether he meant to say that he saw

altogether 700 arrested persons there. That is the way I understood it. But to clarify this statement we should have to question Milch again, for I believe this number of 500, 600, or 700, to be far too high for the total number of people arrested in connection with the Rohm Putsch.

MR. JUSTICE JACKSON: Among those who were killed were Von Schleicher and his wife. He was one of your political opponents, was he not?

Goering: That is right.

MR. JUSTICE JACKSON: And also Erich Klausner, who had been Chief of the Catholic Action of Germany?

Goering: Klausner was likewise among those who were shot. Actually, it was Klausner's case which caused me, as I stated recently, to ask the Fuehrer to give immediate orders to cease any further action, since, in my opinion, Klausner was quite wrongfully shot.

MR. JUSTICE JACKSON: And Strasser, who had been the former Number 2 man to Hitler and had disagreed with him in December 1932 -- Strasser was killed, was he not?

Goering: Of Strasser it cannot be said that he was Number 2 man after Hitler. He played an extremely important role within the Party before the seizure of power, but he was banned from the Party already before the seizure of power. Strasser participated in this revolt and he was also shot.

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MR. JUSTICE JACKSON: And when it got down to a point where there were only two left on the list yet to be killed, you intervened and asked to have it stopped; is that correct?

Goering: No, that is not entirely correct. I made it fairly clear and should like to repeat briefly that not when there were only two left on the list did I intervene; I intervened when I saw that many were shot who were not concerned with this matter. And when I did so, two persons were left who had taken a very active part, and the Fuehrer himself had ordered that they be shot. The Fuehrer was particularly furious with one of them, the chief instigator of the action. What I wanted to make clear was that I said to the Fuehrer, "It is better for you to give up the idea of having these two main perpetrators executed, and put an end to the whole thing immediately." That is what I meant.

MR. JUSTICE JACKSON: What date was that? Did you fix the time?

Goering: Yes, I can give you a definite time. As far as I recall, the decisive day was Saturday; on Saturday evening between 6 and 7 o'clock the Fuehrer arrived by plane from Munich. My request to stop the action was made on Sunday, some time between 2 and 3 o'clock in the afternoon.

MR. JUSTICE JACKSON: And what happened to the two men who were left on the list -- were they ever brought to trial?

Goering: No. One, as far as I remember, was taken to a concentration camp, and the other was for the time being placed under a sort of house arrest, if I remember correctly.

MR. JUSTICE JACKSON: Now, going back to the time when you met Hitler; you said that he was a man who had a serious and definite aim, that he was not content with the defeat of Germany and with the Versailles Treaty; do you recall that?

Goering: I am very sorry, the translation was rather defective and I cannot understand it. Please repeat.

MR. JUSTICE JACKSON: When you met Hitler, as I understand your testimony, you found a man with a serious and definite aim, as you said, in that he was not content with the defeat of Germany in the previous war and was not content with the Versailles Treaty.

Goering: I think you did not quite understand me correctly here, for I did not put it that way at all. I stated that it had struck me that Hitler had very definite views of the impotency of protest; secondly, that he was of the opinion that Germany must be freed from the dictate of Versailles. It was not only Adolf Hitler; every German, every patriotic German had the same feelings; and I, being an ardent patriot, bitterly felt the shame of the dictate of Versailles, and I allied myself with the man about whom I felt that he

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perceived most clearly the consequences of this dictate, and that probably he was the man who would find the ways and means to set it aside. All the other talk in the Party about Versailles was, pardon the expression, mere twaddle.

MR. JUSTICE JACKSON: So, as I understand you, from the very beginning, publicly and notoriously, it was the position of the Nazi Party that the Versailles Treaty must be set aside and that protest was impotent for that purpose?

Goering: From the beginning it was the aim of Adolf Hitler and his movement to free Germany from the oppressive fetters of Versailles, that is, not from the whole Treaty of Versailles, but from those terms which were strangling Germany's future.

MR. JUSTICE JACKSON: And to do it by war, if necessary?

Goering: We did not debate about that at all at the time. We debated only about the foremost condition, that Germany should acquire a different political structure, which alone would enable her to raise objections to this dictate, this one-sided dictate -- everybody always called it a peace, whereas we Germans always called it a dictate -- and not merely objections, but such objections as would demand consideration.

MR. JUSTICE JACKSON: That was the means -- the means was the reorganization of the German State, but your aim was to get rid of what you call the dictate of Versailles.

Goering: Liberation from these terms of the dictate of Versailles, which in the long run would make German life impossible, was the aim and the intention. But by that we did not go as far as to say, "We

want to wage war on our enemies and be victorious." Rather, the aim was to suit the methods to the political events. Those were the basic considerations.

MR. JUSTICE JACKSON: And it was for that end that you and all of the other persons who became members of the Nazi Party gave to Hitler all power to make decisions for them, and agreed, in their oath of office, to give him obedience?

Goering: Again here are several questions. Question One: The fight against the dictate of Versailles was for me the most decisive factor in joining the Party. For others, perhaps, other points of the program or of the ideology, which seemed more important, may have been more decisive. Giving the Fuehrer absolute powers was not a basic condition for getting rid of Versailles, but for putting into practice our conception of the Leadership Principle. To give him our oath before he became the head of the State was, under the conditions then existing, a matter of course for those who considered themselves members of his select leadership corps. I do not know

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and I cannot tell exactly, just how the oath was given before the seizure of power; I can only tell you what I myself did. After a certain period of time, when I had acquired more insight into the Fuehrer's personality, I gave him my hand and said: "I unite my fate with yours for better or for worse: I dedicate myself to you in good times and in bad, even unto death." I really meant it -- and still do.

MR. JUSTICE JACKSON: If you would answer three or four questions for me "yes" or "no," then I would be quite willing to let you give your entire version of this thing. In the first place, you wanted a strong German State to overcome the conditions of Versailles.

Goering: We wanted a strong State anyhow, regardless of Versailles; but in order to get rid of Versailles the State had, first of all, to be strong, for a weak State never makes itself heard; that we know from experience.

MR. JUSTICE JACKSON: And the Fuehrer principle you adopted because you thought it would serve the ends of a strong State?

Goering: Correct.

MR. JUSTICE JACKSON: And this aim, which was one of the aims of the Nazi Party, to modify the conditions of Versailles, was a public and notorious aim in which the people generally joined -- it was one of your best means of getting people to join with you, was it not?

Goering: The dictate of Versailles was such that every German, in my opinion, could not help being in favor of its modification, and there is no doubt that this was a very strong inducement for joining the movement.

MR. JUSTICE JACKSON: Now, a number of the men who took part in this movement are not here; and, for the record, there is no doubt in your mind, is there, that Adolf Hitler is dead?

Goering: I believe there can be no doubt about that.

MR. JUSTICE JACKSON: And the same is true of Goebbels?

Goering: Goebbels, I have no doubt about that, for I heard from someone whom I trust completely, that he saw Goebbels dead.

MR. JUSTICE JACKSON: And you have no doubt of the death of Himmler, have you?

Goering: I am not certain of that, but I think that you must be certain, since you know much more about it than I, as he died a prisoner of yours. I was not there.

MR. JUSTICE JACKSON: You have no doubt of the death of Heydrich, have you?

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Goering: I am absolutely certain about that.

MR. JUSTICE JACKSON: And probably of Bormann?

Goering: I am not absolutely certain of this. I have no proof. I do not know, but I assume so.

MR. JUSTICE JACKSON: And those are the chief persons in your testimony, who have been mentioned as being responsible -- Hitler for everything, Goebbels for inciting riots against the Jews, Himmler, who deceived Hitler, and Bormann, who misled him about his will?

Goering: The influence exerted on the Fuehrer varied at different times. The chief influence on the Fuehrer, at least up till the end of 1941 or the beginning of 1942, if one can speak of influence at all, was exerted by me. From then until 1943 my influence gradually decreased, after which it rapidly dwindled. All in all, I do not believe anyone had anything like the influence on the Fuehrer that I had. Next to me, or apart from me, if one can speak of influence at all, Goebbels, with whom the Fuehrer was together quite a good deal, exerted an influence in a certain direction from the very beginning. This influence wavered for a time and was very slight, and then increased greatly in the last years of the war, for it was easy to win influence by means of ...

Before the seizure of power and during the years immediately following the seizure of power, Hess had a certain influence, but only in regard to his special sphere. Then, in the course of the years, Himmler's influence increased. From the end of 1944 on this influence decreased rapidly. The most decisive influence on the Fuehrer during the war, and especially from about 1942 -- after Hess went out in 1941 and a year had elapsed -- was exerted by Herr Bormann. The latter had, at the end, a disastrously strong influence. That was possible only because the Fuehrer was filled with profound mistrust after 20 July, and because Bormann was with him constantly and reported on and described to him all matters. Broadly speaking these are the persons who had influence at one time or another.

MR. JUSTICE JACKSON: You took over a special intelligence organization in 1933 which was devoted to monitoring the telephone conversations of public officials and others inside and outside of Germany, did you not?

Goering: I have explained that I had erected a technical apparatus which, as you said, monitored the conversations of important foreigners to and from foreign countries -- telegrams and wireless communications which were transmitted not only from Germany to foreign countries, but also from one foreign country to the other through the ether, and which were intercepted. It also monitored

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telephone conversations within Germany of: (1) all important foreigners; (2) important firms, at times; and (3) persons who for any reason of a political or police nature were to be watched.

In order to prevent any abuse on the part of the police, this department had to obtain my personal permission when it was to listen to telephone conversations. Despite this there could, of course, be uncontrolled tapping of wires at the same time, just as that is technically possible everywhere today.

MR. JUSTICE JACKSON: You kept the results of those reports to yourself, did you not?

Goering: No; this was the procedure: These reports in which the Foreign Office was interested were released to the Foreign Office. Those reports which were important to the Fuehrer went to the Fuehrer. Those which were important to the military authorities went to the Minister of War, or to the Air Ministry, or to the Ministry of Economy. I or my deputy decided whether a report was important for this or that office. There was a man there whose job and responsibility it was to see that these secret reports were submitted only to the chief. I could, of course, order at any time that this or that report should be exclusively for my knowledge and not be handed on. That was always possible.

MR. JUSTICE JACKSON: You had a good deal of difficulty with other police authorities who wanted to get possession of that organization, did you not?

Goering: That is correct. The police did strive to get this instrument into their hands. But they did not get it from me, and perhaps they kept a watch of their own here and there. But the decisive control which had to be directed through the Ministry of Posts could technically be ordered only by me.

MR. JUSTICE JACKSON: You have listened to the evidence of the Prosecution against all of the defendants ift this case, have you not?

Goering: Yes.

MR. JUSTICE JACKSON: Is there any act of any of your co-defendants which you claim was not one reasonably necessary to carry out the plans of the Nazi Party?

Goering: At present those are only assertions by the Prosecution; they are not yet facts which have been proved. In these assertions there are a number of actions which would not have been necessary.

MR. JUSTICE JACKSON: Will you specify which acts, of which defendants, you claim, are beyond the scope of the plans of the Party?

Goering: That is a very difficult question which I cannot answer straight away and without the data.

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DR. STAHLER: I object to this question. I do not believe that this is a question of fact, but rather of judgment, and that it is not possible to give an answer to such a general question.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks that the question is somewhat too wide.

MR. JUSTICE JACKSON: You have said that the program of the Nazi Party was to rectify certain injustices which you considered in the Treaty of Versailles; and I ask you whether it is not a fact that your program went considerably beyond any matter dealt with in that Treaty?

Goering: Of course, the program contained a number of other points which had nothing to do with the Treaty of Versailles.

MR. JUSTICE JACKSON: I call your attention to a statement in *Mein Kampf* as follows:

"The boundaries of 1914 do not mean anything for the future of the German nation. They did not constitute a defense in the past nor do they constitute a power in the future. They will not give to the German people inner security or ensure their food supply, nor do these boundaries appear to be favorable or satisfactory from a military point of view."

That is all true, is it not?

Goering: I should like to reread the original passage in *Mein Kampf* in order to determine if it is exactly as you have read it. I assume that it is correct. If so, I can reply that this is the text of a public book and not the Party program.

MR. JUSTICE JACKSON: The first country to be absorbed by Germany was Austria, and it was not a part of Germany before the first World War, and had not been taken from Germany by the Treaty of Versailles; is that correct?

Goering: For this very reason this point was distinctly separated from Versailles in the program. Austria is directly connected with Versailles only insofar as the right of self-determination, as proclaimed there, was most gravely infringed; for Austria and the purely German population were not allowed the Anschluss which they wanted to see accomplished as early as 1918, after the revolution.

MR. JUSTICE JACKSON: The second territory taken by Germany was Bohemia, then Moravia, and then Slovakia. These were not taken from Germany by the Treaty of Versailles, nor were they part of Germany before the first World War.

Goering: As far as the Sudetenland is concerned the same applies as for Austria. The German representatives of the German Sudetenland likewise sat in the Austrian Parliament, and under

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their leader, Lottmann, cast the same vote. It is different in the case of the last act, that is, the declaration of the Protectorate. These parts of Czech territory, especially Bohemia and Moravia, were not constituent parts of the smaller German Reich before the Treaty of Versailles, but formerly they had been united to the German Reich for centuries. That is an historical fact.

MR. JUSTICE JACKSON: You still have not answered my question, although you answered everything else. They were not taken from you by the Treaty of Versailles, were they?

Goering: Of course Austria was taken away by the Versailles Treaty and likewise the Sudetenland, for both territories, had it not been for the Treaty of Versailles and the Treaty of St. Germain, would have become German territories through the right of the people to self-determination. To this extent they have to do with it.

MR. JUSTICE JACKSON: You have testified, have you not, on interrogation, that it was Hitler's information that the United States would never go to war, even if attacked, and that he counted on the isolationists of that country to keep it out of war?

Goering: This interrogation must have been recorded entirely incorrectly. That is the very reason why I refused from the beginning to give my oath to these interrogations before I had been able to look carefully at the German transcript and determine whether it had been correctly understood and translated. Only once, and that was on the part of the Russian Delegation, was a completely correct transcript submitted to me. I signed it page by page and thereby acknowledged it. Now, as far as this statement is concerned, I should like to put it right. I said that, at first, the Fuehrer did not believe that America would intervene in the war, and that he was confirmed in this belief by the attitude of the isolationist press, while I, on the contrary, unfortunately feared from the very beginning that America would in any case intervene in the war. Such nonsense -- I hope you will excuse me -- as to say that America would not come into the war even if she were attacked, you will understand that I could never have uttered, because, if a country is attacked, it defends itself.

MR. JUSTICE JACKSON: Do you know Axel Wennergren?

Goering: He is a Swede whom I have seen two or three times.

MR. JUSTICE JACKSON: You talked with him about this subject, did you not?

Goering: About the subject of America's entering the war I can very well have talked with him; it is even probable,

MR. JUSTICE JACKSON: You told him that a democracy could not mobilize and would not fight, did you not?

Goering: I did not tell him any such nonsense, for we had one democracy as our chief enemy, namely England, and how this democracy would fight we knew from the last World War, and we experienced it again during this war. When I talked with Wennergren, the war with England was in full swing.

MR. JUSTICE JACKSON: You have testified on interrogation, if I understand you correctly, that there were at all times two basic ideas in Hitler's mind, either to ally himself with Russia and seek increase in living space through the acquisition of colonies, or to ally himself with Britain and seek acquisition of territories in the East. But in view of his orientation, he would very much have preferred to ally himself with Great Britain, is that true?

Goering: That is correct. I need only to refer to the book *Mein Kampf*, where these things were set down in thorough detail by Hitler.

MR. JUSTICE JACKSON: Now, as early as 1933 you began a real program to rearm Germany regardless of any treaty limitations, did you not?

Goering: That is not correct.

MR. JUSTICE JACKSON: All right; tell us when you started.

Goering: After all the proposals of disarmament which the Fuehrer made were refused, that is, shortly after our withdrawal from the disarmament conference he made several proposals for a limitation; but, since these were not taken seriously or discussed, he ordered a complete rearmament. At the end of 1933 already certain slight preparations were started by me personally, to the extent that I had made some inconsiderable preparations in regard to the air and had also undertaken a certain militarization of the uniformed police. But that was done by me personally; I bear the responsibility.

MR. JUSTICE JACKSON: Well, then, the militarization of the police auxiliary was not a state affair. It was your personal affair. What do you mean by that?

Goering: Not the auxiliary police, but the municipal police; that is, there was one uniformed police force which had simply police duty on the streets, and a second which was grouped in formations and was at our disposal for larger operations -- not created by us, let it be understood; but existing at the time of the seizure of power. This municipal police, which was grouped in units, uniformed, armed, and housed in barracks, I formed very soon into a strong military instrument by taking these men out of the police service and having them trained more along military lines and giving them machine guns and such things, in addition to their

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small arms. This I did on my own responsibility. These formations were taken into the Armed Forces as regular Army units when the Armed Forces Law was declared.

MR. JUSTICE JACKSON: I want to ask you some questions from your interrogation of the 17th day of October, 1945. I will first read you the questions and answers as they appear in the interrogations and

I shall then ask you whether you gave those answers, and then you can make the explanations if you desire, and I assume you do. The interrogation reads:

"I wanted to ask you today about some of the economic history of the period. When was the armament program first discussed, that is, the rearmament program? What year?

"Answer: Immediately; in 1933.

"Question: In other words, Schacht had assumed the obligation at that time already, to raise funds for the rearmament program?

"Answer: Yes. But, of course, in co-operation with the Minister of Finance.

"Question: During the years 1933 to 1935, before general conscription came in, naturally, the rearmament was a secret rearmament, was it not?

"Answer: Yes.

"Question: So that money that was used outside of the budget would have to be raised by some secret means not to be known to foreign nations?

"Answer: Yes, unless they could be raised from normal Army funds.

"Question: That is to say, you had a small budget for the standing 100,000 man Army which was open, and the rest of the rearmament had to be from secret sources?

"Answer: Yes."

Were you asked those questions and did you give these answers, in substance?

Goering: More or less; generally speaking that is correct. I have these remarks to make: Firstly, I was asked when rearmament had been discussed, not when it had been started. It had, of course, been discussed already in the year 1933, because it was clear at once that our government had to do something about it, that is to say, to demand that the others should disarm, and, if they did not disarm, that we should rearm. These things required discussion. The conclusion of the discussion and the formulation into a definite order followed after the failure of our attempts to

get other countries to disarm. As soon as we, or rather the Fuehrer, saw that his proposals would not be accepted under any circumstances, a gradual rearmament, of course, began to take place. There was no reason whatsoever why we should inform the world about what we were doing in the way of rearmament. We were under no obligation to do that, nor was it expedient.

Herr Schacht, in the year 1933 at the very beginning, could not raise any funds because at the start he held no office. He was able to do this only at a later date. And here it was understandable that the funds had to be raised through the Minister of Finance and the President of the Reichsbank according to the wishes and the orders of the Fuehrer, especially as we had left no doubt that, if the other side did not disarm, we would rearm. That had already been set down on our Party program since 1921, and quite openly.

MR. JUSTICE JACKSON: Is it not a fact that on the 21st of May 1935, by a secret decree, Schacht was named Plenipotentiary for the War Economy?

Goering: The date -- if you will kindly submit the decree to me, then I can tell you exactly. I have not the dates of decrees and laws in my head, especially if they do not have anything to do with me personally; but that can be seen from the decree.

MR. JUSTICE JACKSON: At any event, shortly after he was named, he suggested you as Commissioner for Raw Materials and Foreign Currency, did he not?

Goering: If Herr Schacht made this suggestion shortly after his appointment, then that appointment could not have taken place until 1936, because not until the summer of 1936 did Herr Schacht, together with the Minister of War, Von Blomberg, make the proposal that I should become Commissioner for Raw Materials and Foreign Currency.

MR. JUSTICE JACKSON: Well, I ask you if you did not give this answer to the American interrogator on the 10th day of October 1945, referring to Schacht:

"He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the idea that, in that position, I could give the Minister for Economics and the President of the Reichsbank valuable support."

How did you give that answer, and is that information correct?

Goering: Will you please repeat.

MR. JUSTICE JACKSON: Referring to Schacht, the record shows that you said:

"He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the

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idea that, in that position, I could give the Minister for Economics and the President of the Reichsbank valuable support."

Goering: That is absolutely correct, with the exception of the word "Reichstagspräsident;" that ought to be President of the Reichsbank.

MR. JUSTICE JACKSON: Yes. That is the way I have it.

Goering: It sounded like "Reichstagspräsident" over the earphones.

MR. JUSTICE JACKSON:

"Moreover, he was very outspoken in the suggestion that he and Blomberg made, that I should be put in charge of the Four Year Plan. However, Schacht's idea was that I did not know very much about economy, and that he could easily hide behind my back."

Goering: That I said the other day quite clearly.

MR. JUSTICE JACKSON: Now, from that time on you and Schacht collaborated for some time in preparing a rearmament program, did you not?

Goering: From that time on I worked together with Schacht in economic matters and covered the whole field of German economy, including the armament program, which of course was a sine qua non for the reassumed German military sovereignty.

MR. JUSTICE JACKSON: And you and he had some jurisdictional differences and executed an agreement settling your different spheres of authority, did you not?

Goering: Yes.

MR. JUSTICE JACKSON: And that was in 1937 on the 7th of July, right?

Goering: On that day a certain proposal for a settlement was made, but this did not lead to anything final being accomplished. That was because of the nature of the two posts and our personalities. Both of us, I, as Delegate for the Four Year Plan, and Herr Schacht, as Minister of Economics and President of the Reichsbank, were able to exercise very great influence on German economy. As Herr Schacht also had a very, strong personality and felt his position keenly, and I likewise was not inclined to hide my light under a bushel, whether we were friends or not we could not help getting in each other's way because of this question of authority, and one of us had finally to give in to the other.

MR. JUSTICE JACKSON: And there came a time when he left the Ministry and the Reichsbank?

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Goering: First he resigned from the Reich Ministry of Economy in November 1937, and, as far as I know, he resigned as President of the Reichsbank at the end of 1938, but I cannot be certain about that date.

MR. JUSTICE JACKSON: There was no disagreement between you and him that the program of rearmament should be carried through, was there? You disagreed only in the methods of doing it.

Goering: I assume that Herr Schacht also, as a good German, was, of course, ready to put all his strength at the disposal of Germany's rearmament, in order that Germany should be strong; and therefore differences could have occurred only in regard to methods, for neither Herr Schacht nor I was arming for a war of aggression.

MR. JUSTICE JACKSON: And after he left the rearmament work he remained as a Minister without Portfolio and sat in the Reichstag for some time, did he?

Goering: That is correct. The Fuehrer wished it because, I believe, he wanted in this way to express his recognition of Herr Schacht.

MR. JUSTICE JACKSON: And do you recall the time when you considered the calling up of 15-year-olds, the conscription of 15-year-olds?

Goering: During the war you mean?

MR. JUSTICE JACKSON: Yes.

Goering: It was a question of Air Force auxiliaries, that is correct. They were 15- or 16-year-olds, I do not remember exactly which, and were called in as Air Force auxiliaries.

MR. JUSTICE JACKSON: I will ask that you be shown Document Number 3700-PS and ask you whether you received from Schacht the letter of which that is a carbon copy.

*[The document was handed to the witness.]*

Goering: Yes, I certainly did receive that letter. The year is not given here; that is missing in the copy.

MR. JUSTICE JACKSON: Could you fix, approximately, the date of its receipt?

Goering: It says here 3rd of November, but from the incidents described on the other side, I assume it must be 1943. On this copy the year, strangely enough, is not given, but I believe it was in the year 1943, I received this letter.

MR. JUSTICE JACKSON: Did you reply to Document 3700-PS? Did you reply to this letter?

Goering: I cannot say that today with certainty -- possibly.

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MR. JUSTICE JACKSON: Now, the Four Year Plan had as its purpose to put the entire economy in a state of readiness for war, had it not?

Goering: I have explained that it had two tasks to fulfill -- 1) to safeguard German economy against crises, that is to say, to make it immune from export fluctuations, and, as regards food, from harvest fluctuations, as far as possible; and 2) to make it capable of withstanding a blockade, that is to say, in the light of experiences in the first World War, to put it on such a basis that in a second World War a blockade would not have such disastrous consequences. That the Four Year Plan in this respect was a basic prerequisite for the entire building-up and expansion of the armament industry goes without saying. Without it the rearmament industry could not have been shaped in this way.

MR. JUSTICE JACKSON: To get a specific answer, if possible, did you not say in a letter to Schacht, dated the 18th day of December 1936, that you saw it to be your task, using these words, "within 4 years to put the entire economy in a state of readiness for war"? Did you say that or did you not?

Goering: Of course I said that.

MR. JUSTICE JACKSON: Now, do you recall the report of Blomberg in 1937 in which -- and you may examine if you wish Document Number C-175 -- in which he starts his report by saying:

"The general political position justifies the supposition that Germany need not expect an attack from any side."

Goering: That may have been quite possible at that moment. I took a most reassuring view of the German situation in 1937. It was after the Olympic games and at that time the general situation was extraordinarily calm. But that had nothing to do with the fact that I felt obliged, quite apart from passing fluctuations from a calmer to a more tense atmosphere, to make German economy ready for war and proof against crises or blockades, for exactly 1 year later incidents of a different nature occurred.

MR. JUSTICE JACKSON: Well now, does not Blomberg continue:

"Grounds for this are, in addition to the lack of desire for war in almost all nations, particularly the Western Powers, the deficiencies in the preparedness for war of a number of states, and of Russia in particular"?

That was the situation in 1937, was it not?

Goering: That is the way Herr Von Blomberg saw the situation. Concerning the readiness for war in Russia, Herr Von Blomberg, in the same way as all those representatives of our Reichswehr mentality, was always really mistaken in contrast to the opinion

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expressed in other quarters with regard to Russian armaments. This is merely the opinion of Herr Von Blomberg -- not the Fuehrer's, not mine, and not the opinion of other leading people.

MR. JUSTICE JACKSON: That, however, was the report of 'the Commander-in-Chief of the Armed Forces on the 24th of June 1937, was it not?

Goering: That is correct.

MR. JUSTICE JACKSON: You organized, 1 month later, the Hermann Goering Works?

Goering: Right.

MR. JUSTICE JACKSON: And the Hermann Goering Works were concerned with putting Germany in the condition of readiness for war, were they not?

Goering: No, that is not right. The Hermann Goering Works were at first concerned solely with the mining of German iron ore in the region of Salzgitter and in a district in the Oberpfalz, and, after the annexation, with the iron ore works in Austria. The Hermann Goering Works first established exclusively mining and refining plants for this ore and foundries. Only much later steel works and rolling mills were added, that is to say, an industry.

MR. JUSTICE JACKSON: The Hermann Goering Works were a part of the Four Year Plan, were they not?

Goering: That is right.

MR. JUSTICE JACKSON: And you have already said that the Four Year Plan had as its purpose to put the economy in a state of readiness for war; and the Hermann Goering Works were organized to exploit ore mining and iron smelting resources and to carry the process through to completed guns and tanks, were they not?

Goering: No, that is not correct; the Hermann Goering Works had at first no armament works of their own, but merely produced, as I again repeat, the basic product, steel, crude steel.

MR. JUSTICE JACKSON: Well, at all events, you continued your efforts and on the 8th of November 1943, you made a speech describing those efforts to the Gauleiter in the Fuehrer building at Munich, is that right?

Goering: I do not know the exact date, but about that time I made a short speech, one of a series of speeches, to the Gauleiter about the air situation, as far as I remember, and also perhaps about the armament situation. I do not remember the words of that speech, since I was never asked about it until now; but the facts are correct.

MR. JUSTICE JACKSON: Well, let me remind you if you used these terms, refreshing your recollection:

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"Germany, at the beginning of the war, was the only country in the world possessing an operative, fighting air force. The other countries had split their air fleets up into army and navy air fleets and considered the air arm primarily as a necessary and important auxiliary of the other branches of the forces. In consequence, they lacked the instrument which is alone capable of dealing concentrated and effective blows, namely, an operative air force. In Germany we had gone ahead on those lines from the very outset, and the main body of the Air Force was disposed in such a way that it could thrust deeply into the hostile areas with strategic effect, while a lesser portion of the air force, consisting of Stukas and, of course, fighter planes, went into action on the front line in the battlefields. You all know what wonderful results were achieved by these tactics and what superiority we attained at the very beginning of the war through this modern kind of air force."

Goering: That is entirely correct; I certainly did say that, and what is more, I acted accordingly. But in order that this be understood and interpreted correctly, I must explain briefly:

In these statements I dealt with two separate opinions on air strategy, which are still being debated today and without a decision having been reached. That is to say: Should the air force form an auxiliary arm of the army and the navy and be split up, to form a constituent part of the army and the navy, or should it be a separate branch of the armed forces? I explained that for nations with a very large navy it is perhaps understandable that such a division should be made. From the very beginning, thank God, we made the correct, consistent decision to build up a strong -- I emphasize the word "strong" -- and independent Air Force along with the Army and the Navy; and I described how we passed from a tentative air force to an operative air force.

As an expert I am today still of the opinion that only an operative air force can have a decisive effect. I have also explained, in regard to two- and four-engine bombers, that at first I was quite satisfied with the two-engine bombers because, firstly, I did not have four-engine bombers; and secondly, the operational radius of the two-engine bombers was wide enough for the enemy with whom we had to deal at that time. I further pointed out that the main reason for the swift ending of the campaign in Poland and in the West was the effect of the Air Force.

So that is quite correct.

MR. JUSTICE JACKSON: I remind you of the testimony of the witness Milch, sworn on your behalf, as to a subject on which I have not heard you express yourself. He said:

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"I had the impression that already at the time of the occupation of the Rhineland, he, Goering, was worried lest Hitler's policy should lead to war."

Do you remember that?

Goering: Yes.

MR. JUSTICE JACKSON: And was it true or false? True or mistaken, perhaps, I should say.

Goering: No, I did not want a war and I thought the best way to avoid a war was to be strongly armed according to the well-known adage, "He who has a strong sword has peace."

MR. JUSTICE JACKSON: Well, you are still of that opinion?

Goering: I am of that opinion today, now that I see the entanglements more than ever.

MR. JUSTICE JACKSON: And it is true, as Milch said, that you were worried that Hitler's policies would lead to war at the time of the occupation of the Rhineland?

Goering: Excuse me, I just understood you to ask whether it is also my opinion today that only a nation that is strongly armed can maintain peace. That is what I meant to answer with my last statement.

If you are connecting this question to the statement of Milch, that I was worried lest the policy of the Fuehrer might lead to war, I should like to say that I was worried lest war might come; and if possible I wanted to avoid it, but not in the sense that the policy of the Fuehrer would lead to it, because the Fuehrer also desired to carry out his program by agreements and diplomatic action.

In regard to the occupation of the Rhineland I was somewhat worried at the time about the reactions; all the same, it was necessary.

MR. JUSTICE JACKSON: And when nothing happened, the next step was Austria?

Goering: The one has nothing to do with the other. I never had any misgivings about Austria leading to a war, as I had with the Rhineland occupation, for in the case of the Rhineland occupation I could well imagine that there might be repercussions. But how there could be any repercussions from abroad over the union of two brother nations of purely German blood was not clear to me, especially since Italy, who always pretended that she had a vital interest in a separate Austria, had somewhat changed her ideas. It could not have mattered in the least to England and France, nor could they have had the slightest interest in this union. Therefore I did not see the danger of its leading to a war.

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MR. JUSTICE JACKSON: I ask you just a few questions about Austria. You said that you and Hitler had felt deep regret about the death of Dollfuss, and I ask you if it is not a fact that Hitler put up a plaque in Vienna in honor of the men who murdered Dollfuss, and went and put a wreath on their graves when he was there. Is that a fact? Can you not answer that question with "yes" or "no"?

Goering: No, I cannot answer it with either "yes" or "no," if I am to speak the truth according to my oath. I cannot say, "Yes, he did it," because I do not know; I cannot say, "No, he did not do it," because I do not know that either. I want to say that I heard about this event here for the first time.

MR. JUSTICE JACKSON: Now, in June of 1937, Seyss-Inquart came to you and State Secretary Keppler, and you had some negotiations.

Goering: Yes.

MR. JUSTICE JACKSON: And it was Seyss-Inquart's desire to have an independent Austria, was it not?

Goering: As far as I remember, yes.

MR. JUSTICE JACKSON: And Keppler was the man who was sent by Hitler to Vienna at the time of the Anschluss and who telegraphed to Hitler not to march in, do you recall?

Goering: Yes.

MR. JUSTICE JACKSON: That is the telegram that you characterized as impudent and senseless from the man who was on the spot, and who had negotiated earlier with Seyss-Inquart, do you recall that?

Goering: I did not characterize the telegram with this word which has just been translated to me in German, that is "impudent." I said that this telegram could no longer have any influence and was superfluous, because the troops were already on the move and had their order; the thing was already underway.

MR. JUSTICE JACKSON: You had demanded that Seyss-Inquart be made Chancellor? Is that right?

Goering: I did not desire that personally, but it arose out of the circumstance that at that time he was the only man who could assume the Chancellorship because he was already in the Government.

MR. JUSTICE JACKSON: Now, did Seyss-Inquart become Chancellor of Austria with the understanding that he was to surrender his country to Germany, or did you lead him to believe that he would be independent, have an independent country?

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Goering: I explained the other day that even at the time when he left by plane the next morning, the Fuehrer himself had still not made up his mind as to whether the union with Austria should not be brought about by means of a joint head of state. I also said that I personally did not consider this solution far-reaching enough and that I was for an absolute, direct, and total Anschluss.

I did not know exactly what Seyss-Inquart's attitude was at this time. Nevertheless I feared that his attitude was rather in the direction of continued separation with co-operation, and did not go as far as my attitude in the direction of a total Anschluss. Therefore I was very satisfied when this total Anschluss crystallized in the course of the day.

MR. JUSTICE JACKSON: I respectfully submit that the answers are not responsive, and I repeat the question.

Did Seyss-Inquart become Chancellor of Austria with an understanding that he would call in the German troops and surrender Austria to Germany, or did you lead him to believe that he could continue an independent Austria?

Goering: Excuse me, but that is a number of questions which I cannot answer simply with "yes" or "no."

If you ask me, "Did Seyss-Inquart become Chancellor according to Hitler's wishes and yours?" -- yes.

If you then ask me, "Did he become Chancellor with the understanding that he should send a telegram for troops to march in?" -- I say, "No," because at the time of the Chancellorship there was no question of his sending us a telegram.

If you ask me, thirdly, "Did he become Chancellor on the understanding that he would be able to maintain an independent Austria?" -- then I have to say again that the final turn of events was not clear in the Fuehrer's mind on that evening.

That is what I tried to explain.

MR. JUSTICE JACKSON: Is it not true that you suspected that he might want to remain as independent as possible, and that that was one of the reasons why the troops were marched in?

Goering: No. Excuse me, there are two questions: I strongly suspected that Seyss-Inquart wanted to be as independent as possible. The sending of troops had nothing at all to do with that suspicion; not a single soldier would have been needed for that. I gave my reasons for the sending of the troops.

MR. JUSTICE JACKSON: But it was never intimated to Seyss-Inquart that Austria would not remain independent until after -- as you put it -- the Fuehrer and you were in control of Austria's fate? Is that a fact?

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Goering: That was certainly not told him beforehand by the Fuehrer. As far as I was concerned, it was generally known that I desired it, and I assume that he knew of my attitude.

MR. JUSTICE JACKSON: Now, you have stated that you then, in conversation with Ribbentrop in London, stressed that no ultimatum had been put to Seyss-Inquart, and you have said that. legally that was the fact.

Goering: I did not say "legally," I said "diplomatically."

THE PRESIDENT: Is that a convenient time to break off?

MR. JUSTICE JACKSON: Yes, Your Honor.

*[The Tribunal adjourned until 19 March 1946 at 1000 hours.]*

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*[The Defendant Goering resumed the stand.]*

DR. STAHLER: *[Turning to the defendant.]* A map was mentioned previously which is supposed to have been drawn up by you and which is contained in Mr. Dahlerus' book, the authenticity of which he confirmed this morning in answer to my question. I am having this map, which is to be found on Page 53 of his book, shown to you and I ask for your explanation of it.

Goering: In the discussion that took place in the night of 29-30 August between Dahlerus and me, I believe at the Fuehrer's, I tore a map from an atlas on the spur of the moment and outlined with a red pencil, and I believe a blue or green pencil, those regions—not the regions which we would demand, as declared here before by the Prosecution—but those regions of Poland in which Germans live. That the witness Dahlerus was also of this opinion can be seen most clearly from the fact that he repeated the same markings on another map and then wrote as follows, next to the marked section: "German population according to Goering;" and next to the dotted section: "Polish inhabitants according to Goering."

He then goes on writing and draws boundaries: "Goering's first proposal for the boundary" which agrees with the markings of the regions of German and Polish populations. That was not a boundary proposal, but a separation of the two populations. And then he writes: "Hitler's proposal;" that is the final, the correct, and the only proposal transmitted to the Polish as well as to the British Government. If one compares my map one sees that here quite spontaneously and in a great hurry, with a two-color pencil, a quite superficial marking off of the approximate zones of population is made,

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that is, one in which the majority are Germans and one in which there are exclusively Poles. From the beginning Mr. Dahlerus was given only the broad outlines of the boundary proposal, which was later made more exact. That is the only one in question, the same one which was published, which was read to Ambassador Henderson, and which, as Henderson did not understand it, I had telephoned to the Embassy by Dahlerus during the night, and checked the next day.

DR. STAHLER: Will you please repeat the last sentence? I believe it did not come through.

Goering: I said, the boundaries of the Corridor, as outlined here at Hitler's suggestion, were the official proposal which the Fuehrer, as the only person entitled to make final proposals, had worked out. It is the same proposal that was read to Ambassador Henderson, and as he did not understand it, I turned the note which was read to Henderson, over to Dahlerus for him to dictate it so that I could be sure that the English Ambassador was informed of it in its entirety.

To do this was, as I have already said, actually an enormous risk, since the Fuehrer had forbidden this information being made public at the moment, and, as I have stated already, only I could take that risk. But for the rest, as far as my markings are concerned, they show clearly on the map: "German population according to Goering; Polish population according to Goering." But that was only approximate and done in a great hurry during the night, merely for his information, and on a map torn from an atlas.

DR. STAHLER: Mr. Dahlerus said that you called him up on the 23rd of August and asked him to come to Berlin immediately because in the meantime the situation had become serious. What made you consider the situation serious?

Goering: Through the statements of the Fuehrer at the Obersalzberg on that 22d of August it was clear to me that the tension had reached its peak. The Fuehrer had stated that he would have to bring about a solution of the problem, if it were not possible to obtain one diplomatically. On that occasion, since it was simply an address, without discussion, before the higher officers of troop formations which would be used in case of war, I, as senior officer present, confined myself to saying to the Fuehrer at the end: "The Wehrmacht will do its duty." Of course it has to do its duty, if it is called upon. At the same time, however, I wanted to exert every effort in order to make as soon as possible -- it was now a matter of days; a definite date, the 25th or 26th, as decided at first, had not yet been set on this day to make one

more attempt at negotiations. I wanted to be able to say to the Fuehrer, if such negotiations were successfully underway, that there were still prospects of and chances for a diplomatic solution.

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Hence, the concurrence of events on the afternoon of the 22d: the Fuehrer's speech and my immediate reaction of sending for Dahlerus from Stockholm. I, of course, did not tell him, and I could not, of course, as a German, tell him, a foreigner -- and especially not as an officer -- that my reason lay in these factors which I have explained. Things are now being represented as if there could never have existed in Germany such an idea as "secret military matter," or "secret," or "top secret," in German politics and in military life at all; as though we were obligated to make known every military and political step to the foreign press in advance. I therefore point out that we, of course, had the same procedures as those adopted in every other country of the world.

DR. STAHLER: How was it that you handled the negotiations personally and that the negotiations were not handled through the Foreign Office?

Goering: I was bent on having this question settled peacefully as far as it was at all possible. The work of the Foreign Office is official. Here we were working at it anyhow, and according to the guiding principles laid down by the Fuehrer. I could make my influence felt only in a way which was as direct as possible but not expressly official, because for official action I did not hold the official position of Minister for Foreign Affairs as far as foreign countries were concerned. And at this time it was clear to me that it was not a question of formalities, but rather a question of the most practical and the quickest way of accomplishing something. If I wanted to influence the Fuehrer, that was possible only if I had something in my hand, that is, if I could say to him: "On my own responsibility, but with your knowledge and without committing you and your Reich policy, I am conducting negotiations in order, circumstances permitting, to create an atmosphere which will facilitate official negotiations in the direction of a peaceful solution."

In addition, it would be faster.

DR. STAHLER: This clear fact, that it was a personal step on your part that was being taken alongside official diplomatic negotiations -- was that clear also to the British Government?

Goering: It must have been clear from the entire action that this was a nonofficial negotiation which only at one or two points touched the official negotiations, or overlapped them. For instance, the phase where Ambassador Henderson, instead of returning immediately to Berlin, remained 1 or 2 days in London in order, first of all, through the unofficial negotiator, Dahlerus, to explain to the British Government the basis of these intentions, or for the negotiations, or to explain the note, as I shall call it; and when that had been done, the preparation for entering into these conferences was

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thereby considerably improved. And that not I alone was of the honest conviction on that day that a considerable step had been taken in the direction of a peaceful solution at that time -- I believe it was the 28th -- is demonstrated by the fact that the same view was held at the British Embassy at that moment, as the Embassy Councillor, Sir Ogilvie-Forbes, has very clearly stated. The situation did not become worse until the 29th.

During all these negotiations it was not a question, as far as I was concerned, of isolating Poland and keeping England out of the matter, but rather it was a question, since the problem of the Corridor and Danzig had come up, of solving it peaceably, as far as possible along the lines of the Munich solution. That was my endeavor until the last moment. If it had been only a question of eliminating England from the matter, then, first of all, English diplomacy would surely have recognized that immediately -- it certainly has enough training for that. However, it did, enter into these negotiations. And, secondly, I probably would have used entirely different tactics.

It is not that I am reconstructing things in retrospect; I am speaking of what actually happened in those days, of what I thought and wanted. The descriptions given by the Witness Dahlerus today, and in his book regarding his talks with the Fuehrer, by no means represent the way these talks took place. His descriptions are rather subjective, for the Fuehrer probably would not long have been party to such talks.

There are also other subjective interpretations in the book, which perhaps are purely unessential, but which have been brought forward by the Prosecutor, Sir David Maxwell-Fyfe, that I, in a theatrical fashion, had handed to two collaborators two swords so that they might accomplish bold actions with them. One of those who allegedly received a sword from me was my civilian State Secretary Korner, not a soldier. The most I could have given him was a pen, since he had to draft decrees for the Four Year Plan. The second person was the chief of my office staff, a ministerial director, who also was no soldier and was not to earn any war laurels, but whose main task during the war was exclusively that of keeping my civilian, not my military, staff in order, and of insuring the functioning and progress of that work. For both these matters these gentlemen needed neither a sword nor any incitement to behave in a military way.

DR. STAHLER: Is it correct that it was first intended to undertake aggressive action against Poland on the 26th of August, and that this date was later postponed?

Goering: It was provided that if by this time-- official negotiations were being carried on before this, that must not be forgotten -

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if by then these negotiations had not led to a solution of the problem, as a consequence of the general mobilization of Poland and the deployment of troops which had likewise taken place, and as a consequence of very serious border incidents that had actually occurred I remind you of the bloody Sunday of Bromberg, of the more than 70,000 Germans who had fled, and of the Germans slain -- in other words, the atmosphere at this time was such that the Fuehrer would have wanted to bring about a

solution by means of war. Then this delay came about, precisely because one believed that a diplomatic solution could still be found, and thus I took it as a matter of course that I should intensify to the utmost the unofficial course which I had already pursued in my previous efforts and see it through. This explains Dahlerus' frequent conferences in London and in Berlin, the frequent changes in those conferences, and the frequent flying to and fro.

When the last attempt was suggested by me on the 3rd of September, the situation was as follows, and it also has not been described quite correctly. The British Government at first did not send any ultimatum after the 1st of September, but it sent a note in which it demanded the withdrawal...

THE PRESIDENT: Will the interpreter please tell the Tribunal what the last question asked by counsel was? Perhaps the interpreter would not know it. Does the shorthand writer know what the last question was? -- It does not seem to me that any answer has been given; it related to the 26th of August.

*[The interpreter repeated the question.]*

DR. STAHLER: Yes.

THE PRESIDENT: Yes, that was the question, and as far as I have heard there has been no answer to it yet.

DR. STAHLER: I did not understand that, Mr. President.

THE PRESIDENT: The question that you asked was whether the date of the 26th of August was arranged for the action to take place against Poland, and the Defendant Goering has been speaking for some considerable time and has not answered that question yet as far as I have heard.

Goering: The question -- my answer to this question was that actually the 26th of August was at first planned by the Fuehrer as the date for the invasion, since he considered this date necessary, in view of the situation that I have described. It was then possible, however, to persuade him once more to postpone this date, in order to carry on further negotiations.

DR. STAHLER: How is it to be explained that Hitler's proposal failed?

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Goering: Which proposal?

DR. STAHLER: The last proposal of 27 August, that Dahlerus delivered to London.

Goering: This proposal was, of course, an unofficial one and was followed by an official proposal that was read to the British Ambassador in the form of a note; that is, the British Government was informed what demands Germany would make on Poland. This proposal was not entirely understood, and was then unofficially -- but *de facto* -- made known not only to the British Government but also, to the Polish Ambassador, exactly and precisely, in the unofficial way that Dahlerus has described. It came to naught because the Polish Government did not agree to discuss this proposal. First there was a prolongation for a plenipotentiary to be appointed -- I believe until the 30th or the 31st; but

nevertheless we waited even longer for a plenipotentiary. On the intimation that the Polish Ambassador might be this plenipotentiary, circumstances permitting, we waited for a conference with him; when he declared that he was not authorized to accept any terms, the Fuehrer decided on invasion the next day. This telegram I also sent to the British Ambassador via Dahlerus -- the telegram of the Polish Government to their Ambassador, in which they forbade him, in a postscript, to conduct any negotiations regarding proposals, or to accept any proposal, or any note on the subject.

I immediately gave Dahlerus the decoded telegram, which I received from the investigation office mentioned the day before yesterday, so that he could hand it to Henderson, and I told him in addition, despite any scruples I might have had, that, since it was a matter of extraordinary importance, the British Government should find out as quickly as possible how intransigent the Polish attitude was, so that it might, circumstances permitting, influence the Polish Government in the direction of a conference. I thus gave away the key, that is, I showed that we had the Polish diplomatic code key and thus spoiled for Germany a real and important source of information. This was a unique step, that I could justify only by my absolute wish and determination to avert the conflict at the last moment. I should, therefore, like to read the appendix to the official dispatch; it is brief and runs: "From the Polish Government to the Polish Ambassador Lipski in Berlin." I skip the first part and read only the following:

"As a particular secret instruction for the Ambassador, he is in addition informed that he should refrain from conducting official negotiations under any circumstances. In the event of oral or written proposals being made by the Reich Government, please state that you have no plenipotentiary powers to respond to or discuss them, and that you are empowered

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only to convey the above message to that Government and that you must have further instructions first."

It is clearly seen from this that the Ambassador was not, as we had been told, authorized to do anything at all in the other direction, and this telegram, which the Fuehrer also read, probably indicated to him very clearly the hopelessness of arriving at an understanding with Poland.

DR. STAHLER: Were these negotiations begun and carried out by you with the earnest intention of maintaining peace?

Goering: If one reads these writings in their context, that can be seen from this document; but I should not like to rely on the evidence of this book but on what I have to say here under oath. It was my firm determination to do everything to settle in a peaceful way this problem that had arisen. I did not want war; consequently I did everything I possibly could to avoid it. That has nothing to do with the preparations which I carried out as a matter of duty in my capacity as a high-ranking soldier.

DR. STAHLER: A matter was brought up here concerning a flying accident which might possibly have befallen Mr. Dahlerus. What about this remark?

Goering: The witness Dahlerus said at the conclusion of his testimony that he must correct himself, that he had not received this absurd information from me, but that this was a conclusion of his because I had mentioned Ribbentrop's name shortly before in an entirely different connection. I had only one concern and that I indicated: Dahlerus flew in my own plane to London at that time; the tension was already very acute, and in all states mobilization and a threatened state of war had been proclaimed. Official air communications had been cut off long before. So it was possible that under certain circumstances a German plane flying to London with a courier or, vice versa, a British plane flying to Berlin at that time might incur danger from our anti-aircraft batteries or the like, and I wanted to obviate this danger as far as possible by telephoning Dutch and English authorities, as far as I remember. This was the only reason for my telling Dahlerus that I hoped he would arrive and return safely, because in those times an accident might easily have taken place.

Herr Von Ribbentrop knew nothing whatsoever about the fact that Dahlerus was being sent. During the whole time I never discussed the matter of Dahlerus with Herr Von Ribbentrop. Thus he did not know at all that he was flying, that he went back and forth between me and the British Government. All that is an absolute concoction.

DR. STAHMER: On 26 September 1939 were you present at the conference between Dahlerus and Hitler?

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Goering: Yes.

DR. STAHMER: What did Hitler say then about Poland?

Goering: It is correct that he made statements to the effect that a restoration of Poland as she existed before the outbreak of war could no longer be considered after the course taken by the battle, but that he would now, of course, keep the old German provinces that had been taken in 1918. But even at that time he indicated that the Government General in Warsaw would not interest him and pointed out very emphatically to Dahlerus that this was a question which was to be settled chiefly and decisively by Germany and Russia, and that there could thus be no question of a unilateral settlement with England because the greater part of Poland was already occupied by Russia. And these were agreements that he could no longer make unilaterally with England. That was the gist of the Fuehrer's statements.

DR. STAHMER: I have no further questions.

MR. JUSTICE JACKSON: I call your attention to the testimony which you gave yesterday and ask you if it is correct.

"I think I was Deputy Chairman"-- referring to the Reich Defense Council -- "I do not even know, I heard about that, but I assure you under my oath, that at no time and at no date did I participate in a single meeting when the Council for the Defense of the Reich was called together as such."

Is that a correct transcription of your testimony?

Goering: Yes, I said that in no single.

MR. JUSTICE JACKSON: That is all. That is all I asked you.

Goering: Yes.

MR. JUSTICE JACKSON: I ask to have your attention called to Document Number 3575-PS (Exhibit Number USA-781) which is the minutes of the Reich Defense Council of 18 November 1938, with you presiding.

I call your attention to the statement that the "meeting consisted solely of a 3-hour lecture by the Field Marshal. No discussion took place."

Is that correct?

*[Document 3575-PS was submitted to the defendant.]*

Goering: I have to read it first, this is the first time I have seen the document.

MR. JUSTICE JACKSON: You did not know when you testified yesterday that we had this document, did you? Would you kindly answer that question?

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Goering: I have not seen this document before. I have to look at it first. It says here: "Notes on the session of the Reich Defense Council on 18 November 1938."

The Reich Defense Council, as it was described here, comprised few people. Here there were present, however, all Reich ministers and state secretaries, also the commanders-in-chief of the Army and the Navy, the chiefs of the General Staff, of the three branches of the Armed Forces, Reichsleiter Bormann for the Deputy of the Fuehrer, General Daluge, SS GruppenFuehrer Heydrich, the Reich Labor Fuehrer, the Price Commissioner, the President of the Reich Labor Office, and others.

When I gave my testimony I was thinking only of the Reich Defense Council as such. This is dealing with the Reich Defense Council within the framework of a large assembly. Nevertheless, I was not thinking of that; this concerns, over and beyond the Reich Defense Council, an assembly that was much larger than that provided for under the Reich Defense Council.

MR. JUSTICE JACKSON: I call your attention to the fact that the "Field Marshal stated it to be the task of the Reich Defense Council to correlate all the forces of the nation for accelerated building up of German armament."

Do you find that?

Goering: Yes, I have it now.

MR. JUSTICE JACKSON: The second paragraph?

Goering: Yes.

MR. JUSTICE JACKSON: Under II, "The Physical Task: The assignment is to raise the level of armament from a current index of 100 to one of 300."

Goering: Yes.

DR. SIEMERS: I cannot quite see the reason why it repeatedly happens that the Defense does not receive documents that are discussed in Court and that are submitted to the Court. The document now discussed is also not known to us, at least not to me.

During the last few days I have noticed that several times documents were suddenly presented by the Prosecution without any effort having been made to inform us of their existence.

MR. JUSTICE JACKSON: That is perfectly true, and I think every lawyer knows that one of the great questions in this case is credibility, and that if we have, in cross-examination, to submit every document before we can refer to it in cross-examination, after we hear their testimony, the possibilities of useful cross-examination are destroyed.

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Now, of course, he did not know; and we have had the experience of calling document after document to their attention, always to be met with some explanation, carefully arranged and read here from notes. No defendant has ever had better opportunity to prepare his case than these defendants, and I submit that cross-examination of them should not be destroyed by any requirement that we submit documents in advance.

THE PRESIDENT: Did you wish to say something?

DR. SIEMERS: Yes. I should like to make two points. First, I am entirely agreed if Mr. Justice Jackson wants to make use of the element of surprise. I should merely be thankful if the Defense then were also permitted to use the element of surprise. Yet we have been told heretofore that we must show every document we want to submit weeks ahead of time, so that the Prosecution has several weeks to form an opinion on it.

Secondly, if the element of surprise is being used, I believe that at least we, as Defense Counsel, should not be given this surprise at the moment when the document is submitted to the Court and to the witness. I have at this moment neither today's documents nor the documents of the previous days.

THE PRESIDENT: What you have just said is entirely inaccurate. You have never been compelled to disclose any documents which you wished to put to a witness in cross-examination. This is cross-examination and therefore it is perfectly open to Counsel for the Prosecution to put any document without disclosing it beforehand; just as Defense Counsel could have put any document to witnesses called on behalf of the Prosecution, if they had wished to do so, in cross-examination.

I am sure that if counsel for the defendants wish to re-examine upon any such document as this, a copy of it will be supplied to them for that purpose.

The Tribunal now rules that this document may be put to the witness now.

DR. SIEMERS: Does the Defense also have the opportunity, now that it is known to the entire Court, of receiving the document?

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: I should be thankful if I could have a copy now.

MR. JUSTICE JACKSON: I am frank to say I do not know whether we have adequate copies to furnish them to all the Defense Counsel now.

THE PRESIDENT: Maybe you have not, but you can let them have one or more copies,

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MR. JUSTICE JACKSON: But I do not think we should furnish copies until the examination with reference to that document is completed, that is to say...

THE PRESIDENT: Yes, Dr. Dix.

DR. DIX: I should like to make one request that at least the technical possibilities -- that at least the counsel of these defendants who are being cross-examined also be given the document that is submitted to the defendant, so that they are in a position, just as the Tribunal is, to follow the examination.

If Justice Jackson says that it is his opinion that it would be right for the defense counsel -- in this case my colleague Stahmer -- to receive this document only after the examination -- in this case of Goering -- has ended, I beg earnestly, in the interest of the dignity and prestige of the Defense, to take objection to this suggestion of Justice Jackson's. I do not believe that he means by that to insinuate that the Defense Counsel would be able -- having these documents in its hands at the same time as the Tribunal and at the same time as the witness -- somehow through signs or otherwise to influence the defendant and thereby disturb the cross-examination by Mr. Justice Jackson, or by the prosecutor. Mr. Justice Jackson certainly did not mean that, but one might draw that conclusion.

I therefore make this request: If in the cross-examination, for the purpose of the cross-examination, in view of the altogether justified element of surprise, a document is presented to a witness that at the same time is presented to the Tribunal, that at least a copy of this document be given at the same time to the defense counsel, the defense counsel concerned, either the one who has called the witness or the one whose defendant is in the witness box, so that he can have some idea of what the witness is being confronted with, for Goering could read this document, but Dr. Stahmer could not. In other words, he was not in a position to follow the next part of Mr. Justice Jackson's cross-examination. That is certainly not intended, and would certainly not be fair, and I should therefore like to ask Mr. Justice Jackson to

reply to my suggestion, and my application, in order to arrive at an understanding and thereby to relieve the Tribunal of the decision on a question that to me seems self-evident.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal is inclined to think -- the Tribunal certainly thinks -- that you are perfectly right, that there is no necessity, at all, as I have already stated, to disclose the document to the defendants before you use it in cross-examination. But, at the time you use it in cross-examination, is there any objection to handing a copy of it to the counsel for the defendant who is being cross-examined?

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MR. JUSTICE JACKSON: In some instances it is physically impossible because of our situation in reference to these documents. A good many of these documents have come to us very lately. Our photostatic facilities are limited.

THE PRESIDENT: I am not suggesting that you should hand it to all of them, but only to Dr. Stahmer.

MR. JUSTICE JACKSON: If we have copies, I have no objection to doing that, but if we do not have them in German -- our difficulty has always been to get German copies of these documents.

DR. DIX: May I say something else. If it is not possible in German, then it should at least be possible in English, for one English copy will certainly be available. Furthermore, if it is a question of German witnesses, such as Goering, the document will be shown him in German anyhow; it will certainly be shown the witness in German. I believe that will surely be possible.

*[Dr. Siemers approached the lectern.]*

THE PRESIDENT: We do not really need to hear more than one counsel on this sort of point. I have already ruled upon your objection, which was that the document should be produced beforehand, but the Tribunal has already ruled that objection should be denied.

DR. SIEMERS: Mr. President, I am sorry. My motion was that the Defense Counsel should receive these documents at the same time the Tribunal does. I am not of the opinion expressed by Dr. Dix, that only one defense counsel should receive it. If it is a report regarding the Reich Defense Council, then it is a document important to several defendants. One copy is therefore not sufficient, but each defense counsel must have one. I believe that Mr. Justice Jackson...

THE PRESIDENT: But not at this moment. There are, as we all know, the very greatest difficulties in producing all these documents, and extraordinary efforts have been made by the Prosecution and the Translating Division to supply the defendants with documents, and with documents in German, and it is not necessary that every member of the Defense Counsel have these documents at the time the witness is being cross-examined. I am sure the Prosecution will do everything it can to let you have the documents in due course any document that is being used.

In the opinion of the Tribunal it is perfectly sufficient if one copy of the document is supplied to the counsel for the witness who is being cross-examined. As I say, the Prosecution will doubtless let you have copies of these documents in due course.

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You are appearing for the Defendant Raeder, and the Defendant Raeder, I am afraid, at the present rate will not be in the witness box for some time.

DR. SIEMERS: The result of that is that the defense counsel who is not momentarily concerned, cannot understand the cross-examination. As to the technical question, I ask the Court to consider that I cannot follow Justice Jackson on this technical point. The document is mimeographed by means of a stencil. In mimeographing it makes no difference at all whether 20, 40, 80, or 150 copies are produced. It makes no difference from the point of view of time, except perhaps 4 or 5 minutes. I consider for this reason that one can hardly refer to technical difficulties in this matter.

THE PRESIDENT: Counsel for the Prosecution will consider what you say, but no rule has been made by the Tribunal that every document should be supplied to every counsel during crossexamination.

Goering: I should like to say again in regard to the document that this is not ...

MR. JUSTICE JACKSON: May I respectfully ask that the witness be instructed to answer the question and reserve his explanations until his counsel takes him on. Otherwise, this cross-examination cannot successfully be conducted, in the sense of being reasonable in time.

THE PRESIDENT: I have already explained, on several occasions, that it is the duty of defendants when they are in the witnessbox, and the duty of witnesses, to answer questions directly, if they are capable of being answered directly, in the affirmative or in the negative; and if they have any explanation to make afterwards, they can make it after answering the question directly.

MR. JUSTICE JACKSON: I call your attention to Item 3, under II, "Finances," reading as follows:

"Very critical situation of the Reich Exchequer. Relief initially through the milliard imposed on the Jews and through profits accruing to the Reich from the Aryanization of Jewish enterprises."

You find that in the minutes, do you not?

Goering: Yes, that is there;

MR. JUSTICE JACKSON: And you find the minutes signed by Woermann, do you not?

Goering: No, that is not true. I beg your pardon? Here on the photostat Woermann has signed it, that is not Bormann. I know Bormann's signature well, it is quite different.

MR. JUSTICE JACKSON: I said Woermann.

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Goering: Woermann, yes.

MR. JUSTICE JACKSON: All right, my poor pronunciation. Well, was it not a fact that you set up a working committee under the Reich Defense Council which did meet from time to time and did carry on certain work?

Goering: I have already explained recently: That was the committee of departmental chiefs.

MR. JUSTICE JACKSON: And I call your attention to Document Number EC-405, minutes of a meeting of the Working Committee of the Reich Defense Council, Meeting Number 10.

Goering: I understood the President to say before that when I have answered the question, I can add an explanation that seems necessary to me. Now that I have clearly answered your question with regard to the first document, I want to stress once again that this was not a meeting of the close Reich Defense Council but a general calling together of all ministers, state secretaries and numerous other persons. And that I began my statements as follows:

"I. Organization of the Reich Defense Council: The Reich Defense Council was already, by decision of the Cabinet of 1933 and 1934, called into being; but it has never met. Through the Reich Defense Law of 4 September 1938 it was re-established. The Chairman is the Fuehrer, who has appointed General Field Marshal Goering his permanent deputy."

Concerning the Reich Defense Council, about which we have been talking, consisting of Schacht -- or rather -- of the triumvirate -- it is attested here in writing once more, as I have correctly said, that this Council never met. I ask to have the question about the second document repeated, as I have forgotten it.

MR. JUSTICE JACKSON: You testified that the movement into the Rhineland had not been planned in advance.

Goering: Only a short time in advance, I emphasized.

MR. JUSTICE JACKSON: How long?

Goering: As far as I recall, at the most 2 to 3 weeks.

MR. JUSTICE JACKSON: Now, I call your attention to the minutes of the 10th meeting of the Working Committee of the Reich Defense Council, Document Number EC-405 toward the end of that document, the discussion on 6th month, 26th day of 1935, which reads as follows ...

Goering: May I ask what page? This document is very long and is new to me. What page, please, otherwise I shall have to read the whole document.

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MR. JUSTICE JACKSON: Turn to the last paragraph and we will work backwards.

"Commitment to writing of directives for mobilization purposes is permissible only insofar as it is absolutely necessary for the smooth execution of the measures provided for the demilitarized zone. Without exception such material must be kept in safes."

Do you find that part?

Goering: This document that has been handed to me contains alternating statements of various individuals, that is, a dialogue. May I ask once more... The last paragraph contains nothing of what you have stated, apparently there must be a difference between the German and English texts. The last paragraph here is altogether irrelevant. Where, please, am I to read in the document?

MR. JUSTICE JACKSON: Do you find the third paragraph from the end? If my document is correct we have got the same document.

Goering: You must tell me who was speaking, for different persons speak here.

*[The place in the document was indicated to the defendant.]*

Now it has been shown to me. Under the name Jodl; I have to read through it first.

MR. JUSTICE JACKSON: Do you find this:

"The demilitarized zone requires special treatment. In his speech of 21 May 1935 and in other statements, the Fuehrer and Reich Chancellor declared that the stipulations of the Versailles Treaty and the Locarno Pact regarding the demilitarized zone would be observed."

Do you find this?

Goering: Yes.

MR. JUSTICE JACKSON: And do you find the next paragraph,

"Since at present international entanglements must be avoided under all circumstances, all urgently needed preparations may be made. The preparations as such, or their planiling, must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich."

Do you find this?

Goering: Yes.

MR. JUSTICE JACKSON: And you also find,

"These preparations include in particular"-- a) and b) are not important to my present question -- "c) Preparation for the liberation of the Rhine."

Goering: Oh, no, here you have made a great mistake. The original phrase -- and this alone is the point in question-is: "c) Preparation for the clearing of the Rhine." It is a purely technical preparation that has nothing at all to do with the liberation of the Rhineland. Here it says, first, mobilization measures for transportation and communications, then "c) Preparation for the clearing of the Rhine," that is, in case of mobilization preparations the Rhine is not to be overburdened with freighters, tugboats, et cetera, but the river has to be clear for military measures. Then it continues: "d) Preparation for local defense," et cetera. Thus you see, it figures among small quite general, ordinary and usual preparations for mobilization. The phrase used by the Prosecution ...

MR. JUSTICE JACKSON: Mobilization, exactly.

Goering: That, if you remember, I stressed clearly in my statement, that in the demilitarized zone general preparations for mobilization were made. I mentioned the purchase of horses, et cetera. I wanted only to point out the mistake regarding "clearing of the Rhine," which has nothing to do with the Rhineland, but only with the river.

MR. JUSTICE JACKSON: Well, those preparations were preparations for armed occupation of the Rhineland, were they not?

Goering: No, that is altogether wrong. If Germany had become involved in a war, no matter from which side, let us assume from the East, then mobilization measures would have had to be carried out for security reasons throughout the Reich, in this event even in the demilitarized Rhineland; but not for the purpose of occupation, of liberating the Rhineland.

MR. JUSTICE JACKSON: You mean the preparations were not military preparations?

Goering: Those were general preparations for mobilization, such as every country makes, and not for the purpose of the occupation of the Rhineland.

MR. JUSTICE JACKSON: But were of a character which had to be kept entirely secret from foreign powers?

Goering: I do not think I can recall reading beforehand the publication of the mobilization preparations of the United States.

MR. JUSTICE JACKSON: Well, I respectfully submit to the Tribunal that this witness is not being responsive, and has not been in his examination, and that it is ...

*[The defendant interposed a few words which were not recorded.]*

It is perfectly futile to spend our time if we cannot have responsive answers to our questions.

*[The defendant interposed a few words which were not recorded.]*

We can strike these things out. I do not want to spend time doing that, but this witness, it seems to me, is adopting, and has adopted, in the witness box and in the dock, an arrogant and contemptuous attitude toward the Tribunal which is giving him the trial which he never gave a living soul, nor dead ones either.

I respectfully submit that the witness be instructed to make notes, if he wishes, of his explanations, but that he be required to answer my questions and reserve his explanations for his counsel to bring out.

THE PRESIDENT: I have already laid down the general rule, which is binding upon this defendant as upon other witnesses.

Perhaps we had better adjourn now at this state.

*[The Tribunal adjourned until 20 March 1946 at 1000 hours.]*

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MR. JUSTICE JACKSON: If the Tribunal please, the last question which I asked last night referring to mobilization preparations in the Rhineland, as shown in the official transcript, was this: "But of a character which had to be kept entirely secret from foreign powers?" The answer was: "I do not believe I can recall the publication of the preparations of the United States for mobilization."

Now, representing the United States of America, I am confronted with these choices -- to ignore that remark and allow it to stand for people who do not understand our system; or to develop, at considerable expense of time, its falsity; or to answer it in rebuttal. The difficulty arises from this, Your Honor, that if the witness is permitted to volunteer statements in cross-examination there is no opportunity to make objection until they are placed on the record. Of course, if such an answer had been indicated by a question of counsel, as I respectfully submit would be the orderly procedure, there would have been objection; the Tribunal would have been in a position to discharge its duty under the Charter and I would have been in a position to have shortened the case by not having that remark placed.

The Charter in Article 18 provides that the Tribunal shall rule out irrelevant issues and statements of any kind whatsoever. We are squarely confronted with that question; we cannot discharge those duties if the defendant is to volunteer these statements without questions which bring them up. I respectfully submit that, if the ruling of the Tribunal that the defendant may volunteer questions of this kind is to prevail, the control of these proceedings is put in the hands of this defendant, and the United States has been substantially denied its right of cross-examination under the Charter, because cross-examination cannot be effective under this kind of procedure. Since we cannot anticipate, we cannot meet ...

THE PRESIDENT: I quite agree with you that any reference to the United States' secrecy with reference to mobilization is entirely irrelevant, and that the answer ought not to have been made, but the only rule which the Tribunal can lay down as a general rule is the rule -- already laid down -- that the witness must answer if possible "yes" or "no," and that he may make such explanations as

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may be necessary after answering questions directly in that way, and that such explanations must be brief and not be speeches. As far as this particular answer goes, I think it is entirely irrelevant.

MR. JUSTICE JACKSON: I must, of course, bow to the ruling of the Tribunal, but it is to the second part, I quite recall the admonition of the Court that there shall be answers "yes" or "no." This witness, of course, pays not the slightest attention to that, and I must say I cannot blame him; he is pursuing his interests. But we have no way of anticipating, and here we are confronted with this statement in the record, because when these statements are volunteered they are in the record before the Tribunal can rule upon them and I have no opportunity to make objections, and the Tribunal have no opportunity to rule. And it puts, as I said before, the control of these proceedings in the hands of the defendant, if he first makes the charges and then puts it up to us to ignore them or answer them by long cross-examination in rebuttal; and I think the specific charge made against the United States of America from the witness stand presents that.

Your Honor now advises the United States that it is an improper answer, but it is in the record and we must deal with it. I respectfully submit that unless we have ...

THE PRESIDENT: What exactly is the motion you are making? Are you asking the Tribunal to strike the answer out of the record?

MR. JUSTICE JACKSON: Well, no; in a Trial of this kind, where propaganda is one of the purposes of the defendant, striking out does no good after the answer is made, and Goering knows that as well as I. The charge has been made against the United States and it is in the record. I am now moving that this witness be instructed that he must answer my questions "yes" or "no" if they permit an answer, and that the explanation be brought out by his counsel in a fashion that will permit us to make objections, if they are irrelevant, and to obtain rulings of the Tribunal, so that the Tribunal can discharge its functions of ruling out irrelevant issues and statements of any kind whatsoever. We must not let the Trial degenerate into a bickering contest between counsel and the witness. That is not what the United States would expect me to participate in. I respectfully suggest that if he can draw any kind of challenge ...

THE PRESIDENT: Are you submitting to the Tribunal that the witness has to answer every question "yes" or "no" and wait until he is re-examined for the purpose of making any explanations at all?

MR. JUSTICE JACKSON: I think that is the rule of cross-examination under ordinary circumstances. The witness, if the

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question permits it, must answer, and if there are relevant explanations they should be reserved until later.

Now let me come back to the specific problem I have right here this morning. Here is an answer given which the Tribunal now rules is irrelevant. But we have no opportunity to object to it. The Tribunal

had no opportunity to rule upon it. The witness asks, "Did you ever hear of the United States publishing its plan of mobilization?" Of course, we would have objected. The difficulty, is that the Tribunal loses control of these proceedings if the defendant, in a case of this kind where we all know propaganda is one of the purposes of the defendant, is permitted to put his propaganda in, and then we have to meet it afterwards. I really feel that the United States is deprived of the opportunity of the technique of cross-examination if this is the procedure.

THE PRESIDENT: Surely it is making too much of a sentence the witness has said, whether the United States makes its orders for mobilization public or not. Surely that is not a matter of very great importance. Every country keeps certain things secret. Certainly it would be much wiser to ignore a statement of that sort. But as to the general rule, the Tribunal will now consider the matter. I have already laid down what I believe to be the rule, and I think with the assent of the Tribunal, but I will ascertain...

MR. JUSTICE JACKSON: Let me say that I agree with Your Honor that as far as the United States is concerned we are not worried by anything the witness can say about it -- and we expected plenty. The point is, do we answer these things or leave them, apart from the control of the Trial? And it does seem to me that this is the beginning of this Trial's getting out of hand, if I may say so, if we do not have control of this situation. I trust the Tribunal will pardon my earnestness in presenting this. I think it is a very vital thing.

THE PRESIDENT: I have never heard it suggested that the Counsel for the Prosecution have to answer every irrelevant observation made in cross-examination.

MR. JUSTICE JACKSON: That would be true in a private litigation, but I trust the Court is not unaware that outside of this courtroom is a great social question of the revival of Nazism and that one of the purposes of the Defendant Goering -- I think he would be the first to admit -- is to revive and perpetuate it by propaganda from this Trial now in process.

THE PRESIDENT: Yes, Doctor Stahmer?

DR. STAHLER: I just wanted to explain the following: An accusation has been made as if we intended to make propaganda here

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for Nazism, or in some other direction. I do not think this accusation is justified. Neither do I believe that the defendant intended to make an accusation against the United States. I think we have to consider the question that was put to him. That is, it was pointed out to him by the Prosecution that this document which was submitted to him was marked "secret." Then he stated that he had never heard that a document of that kind would have been made public in the United States. If instead of the U.S.A. he had said any other nation, then the remark would have been considered harmless.

In my opinion the answer was quite justified. The witness should be given the possibility not only to answer "yes" or "no," but to give reasons for his answer, as ruled by the Court.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal considers that the rule which it has laid down is the only possible rule and that the witness must be confined strictly to answering the question directly where the question admits of a direct answer, and that he must not make his explanation before he gives a direct answer; but, after having given a direct answer to any question which admits of a direct answer, he may make a short explanation; and that he is not to be confined simply to making direct answers "yes" or "no" and leaving the explanation until his counsel puts it to him in his re-examination.

As to this particular observation of the defendant, the defendant ought not to have referred to the United States, but it is a matter which I think you might well ignore.

MR. JUSTICE JACKSON: I shall bow to the ruling, of course.

I wish to make a statement to the Tribunal about one of the documents. At the conclusion of the session yesterday we were considering Document Number EC-405. The Defendant Goering challenged the use of a word which he said should have been translated "clearance" rather than "liberation." We have since had the translation checked and find that the defendant is correct. This document was introduced under Exhibit Number GB-160 on the 9th of January, at Page 2396 of the Tribunal's records (Volume V, Page 28), and since it has already been received in evidence and it is before the Tribunal, we think it incumbent upon the Prosecution to make that correction now for the record.

*[Turning to the witness.]* You stated yesterday that the minutes of the Reich Defense Council with which you were presented were not minutes of a meeting of the Reich Defense Council as such?

Goering: Yes, I said that.

MR. JUSTICE JACKSON: And your testimony, notwithstanding that document, still stands, I take it, that the Reich Defense Council never met?

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Goering: I said that also, yes.

MR. JUSTICE JACKSON: I now ask to have you shown a document which has just come into our possession, the minutes of the second session of the Reich Defense Council. I should have said, just come to us for translation. We have not had it translated; we just discovered it among our great collection of documents.

THE PRESIDENT: Could Doctor Stahmer have a copy in English or not?

MR. JUSTICE JACKSON: We have not even had a chance to get it into English. I do not know what it says except that it is the minutes of their meeting. We have a photostat.

*[Turning to the witness.]* Are those not the minutes of the second meeting of the Reich Defense Council held on the 23rd of June 1939?

Goering: I must read it first.

MR. JUSTICE JACKSON: I call your attention to the fact that the chairman is Minister President General Field Marshal Goering. You will find that on Page 1.

Goering: I have never disputed that. It was fixed by law. This deals with the second Reich Defense Council, not the first one. Besides, I was not present at this meeting; and I point out that on the left is a list of the authorities who took part in the meeting, and in my case it says "Minister President Field Marshal Goering," and on the right, as representative for him, "State Secretary Korner and State Secretary Neumann." But I shall have to look through the document first in order to find out whether I took part personally.

MR. JUSTICE JACKSON: Does it not say on Page 1, directly under the place of meeting, "Chairman: Minister President Goering"?

Goering: Yes. I have to read it first.

MR. JUSTICE JACKSON: Do you deny the authenticity of those minutes?

Goering: I have not looked them through yet.

It seems to be an absolutely authentic copy of the minutes; I admit that. But here again we are dealing with a meeting not, as I said when answering my counsel, of the Reich Defense Council, but of a larger meeting in which many other departments participated; and it is a matter of the second Reich Defense Council, which was set up after 1938, not a secret council such as was the case from 1933-38.

MR. JUSTICE JACKSON: In other words, in interpreting your testimony, we must understand that, when you say there was no meeting of the Reich Defense Council, you mean only that there were no meetings at which no other people were present?

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Goering: No, that is not correct. There were two Reich defense laws concerning the Reich Defense Council which I tried to explain in my statement: the Secret Council of 1933 to 1938, which was not made public, and the Reich Defense Council which was created in 1938 and converted into the Ministerial Council in 1939; the latter held meetings which were in no way confined to its own members.

MR. JUSTICE JACKSON: Then you say that this was not the Defense Council that met under the ban of secrecy?

Goering: The Prosecution want me to answer first with "yes" or "no." It is hard to answer this question with "yes" or "no." I assert that the Secret Defense Council, which was not made public and which arose out of a meeting of ministers in 1933, never met. After 1938 a new Reich defense law created a new council. At that time it was clear that our military sovereignty had already been declared. This first

council, which the Prosecution called the secret one, never met, and the document of yesterday proved that.

MR. JUSTICE JACKSON: Will you refer to Page 19 of this document, please, and tell me whether one of the very things with which this meeting concerned itself was not the lifting of the secrecy ban from the Reich defense law?

Goering: No, that is not the way it reads here. If I may translate it, the last point on the agenda: Consequences resulting from the lifting of the secrecy ban on the Reich defense law and measures to expedite procedures have already been dealt with by a letter from the Reich Defense Committee on 26 June: "Consequences resulting from the lifting of the secrecy ban with a view to expediting written communications."

MR. JUSTICE JACKSON: You have stated that on the Jewish question, some of the members of the government were more radical than you. Would you state who these were?

Goering: Broadly speaking, when we took over the government, we only demanded their removal from political and other leading positions in the State.

MR. JUSTICE JACKSON: That is not what I asked you.

THE PRESIDENT: That is not a direct answer to the question. The question was that you said some members of the government were more radical toward Jews than you were. Would you tell us which of the members of the government were more radical than you were?

Goering: Excuse me, I did not understand the question to mean who were more radical, but in what way they were more radical. If you ask who, then I would say that those were primarily Minister Goebbels and Himmler.

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MR. JUSTICE JACKSON: Do you also include your co-defendant, Streicher, as more radical than you?

Goering: Yes, but he was not a member of the government.

MR. JUSTICE JACKSON: He was the Gauleiter, was he not, for this very territory in which we are sitting.

Goering: That is correct; but he had very little or no influence on government measures.

MR. JUSTICE JACKSON: What about Heydrich?

Goering: Heydrich was subordinate to Himmler. If I said Himmler, I, of course, include Heydrich.

MR. JUSTICE JACKSON: Heydrich is then included in the list of the more radical ones to whom you refer?

Goering: That is right; yes.

MR. JUSTICE JACKSON: What about Bormann?

Goering: It was only during the later years that I observed that Bormann was becoming more radical. I do not know anything about his attitude in the beginning.

MR. JUSTICE JACKSON: Now, I want to review with you briefly what the Prosecution understands to be public acts taken by you in reference to the Jewish question. From the very beginning you regarded the elimination of the Jews from the economic life of Germany as one phase of the Four Year Plan under your jurisdiction, did you not?

Goering: The elimination, yes; that is partly correct. The elimination as far as the large industries were concerned, because there were continual disturbances due to the fact that there were large industries, also armament industries, still partly under Jewish directors, or with Jewish shareholders, and that gave rise to a certain anxiety among the lower ranks.

MR. JUSTICE JACKSON: Now, do I understand that you want the Tribunal to believe that all you were concerned about was the big Jewish enterprises? That is the way you want to be understood?

Goering: I was not at first disturbed by the small stores. They did not come into the Four Year Plan.

MR. JUSTICE JACKSON: When did you become disturbed by the small stores?

Goering: When trade had to be limited, it was pointed out that this could be done first by closing the Jewish stores.

MR. JUSTICE JACKSON: Now, let us go through the public acts which you performed on the Jewish question. First, did you proclaim the Nuremberg Laws?

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Goering: As President of the Reichstag, yes. I have already stated that.

MR. JUSTICE JACKSON: What date was that?

Goering: 1935, I believe; here in Nuremberg, in September.

MR. JUSTICE JACKSON: That was the beginning of the legal measures taken against the Jews, was it not?

Goering: That was a legal measure.

MR. JUSTICE JACKSON: That was the first of the legal measures taken by your government against the Jews, was it not?

Goering: No, I believe the removal from office was before.

MR. JUSTICE JACKSON: When was that?

Goering: I could not state the exact date, but I believe that happened in 1933.

MR. JUSTICE JACKSON: Then on the first day of December 1936, you promulgated an act making it a death penalty for Germans to transfer property abroad or leave it abroad; the property of a culprit to be forfeited to the State, and the People's Court given jurisdiction to prosecute, did you not?

Goering: That is correct; the "Decree Governing Restriction on Foreign Currency." That is to say, whoever had an account in a foreign country without permission of the government.

MR. JUSTICE JACKSON: Then, your third public act was on 22 April 1938 when you published penalties for veiling the character of a Jewish enterprise within the Reich, was it not?

Goering: Yes.

MR. JUSTICE JACKSON: Then on 28 July 1939, you, Hermann Goering, published certain prescriptions on the competence of the courts to handle those matters by the decree, did you not?

Goering: Please, would you kindly read the law to me? I cannot recall it.

MR. JUSTICE JACKSON: I will not take time reading it. Do you deny that you published the *Reichsgesetzblatt* law, 1939, found on Page 1370, referring to the competence of the courts to handle penalties against Jews? If you do not remember, say so.

Goering: Yes, I say that I cannot remember the law. If it is in the *Reichsgesetzblatt* and bears my name, then, of course, it is so; but I do not remember the contents.

MR. JUSTICE JACKSON: Now, on 26 April 1938 you, under the Four Year Plan, published a decree providing for the registration of Jewish property and provided that Jews inside and outside Germany must register their property, did you not?

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Goering: I assume so. I no longer remember it, but if you have the decree there, and if it is signed by me, there cannot be any doubt.

MR. JUSTICE JACKSON: On 26 April 1938 you published a decree under the Four Year Plan, did you not, that all acts of disposal of Jewish enterprises required the permission of the authorities?

Goering: That I remember.

MR. JUSTICE JACKSON: Then you published on 12 November 1938 a decree, also under the Four Year Plan, imposing a fine of a billion marks for atonement on all Jews?

Goering: I have already explained that all these decrees at that time were signed by me, and I assume responsibility for them.

MR. JUSTICE JACKSON: Well, I am asking you if you did not sign that particular decree? I am going to ask you some further questions about it later.

Goering: Yes.

MR. JUSTICE JACKSON: Then on the 12th of November 1938, you also signed a decree that, under the Four Year Plan, all damage caused to Jewish property by the riots of 1938 must be repaired immediately by the Jews, and at their own expense; and their insurance claims were forfeited to the Reich. Did you personally sign that law?

Goering: I did sign a similar law. Whether it was exactly the same as you have just read, I could not say.

MR. JUSTICE JACKSON: You do not disagree that that was the substance of the law, do you?

Goering: No.

MR. JUSTICE JACKSON: And on the 12th of November 1938, did you not also personally sign a decree, also under the Four Year Plan, that Jews may not own retail stores, or engage independently in handicrafts or offer goods, or services, for sale at markets, fairs, or exhibitions; or act as leaders of enterprises or as members of co-operatives? Do you recall all of that?

Goering: Yes. Those are all parts of the decrees for the elimination of Jewry from economic life.

MR. JUSTICE JACKSON: Then, on the 21st of February 1939, you personally signed a decree, did you not, that the Jews must surrender all objects of precious metals and jewels purchased, to the public office within 2 weeks?

Goering: I do not remember that, but without doubt, that is correct.

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MR. JUSTICE JACKSON: I refer to Volume I of the *Reichsgesetzblatt*, 1939, Page 282. You have no recollection of that?

Goering: I have not the *Reichsgesetzblatt* in front of me now, but if there is a decree in the *Reichsgesetzblatt*, or a law signed with my name, then I signed that law and decreed it.

MR. JUSTICE JACKSON: Did you not also, on the 3rd of March 1939, sign a further decree concerning the period within which items of jewelry must be surrendered by Jews -- *Reichsgesetzblatt*, Volume 1, 1939, Page 387?

Goering: I assume that was the decree for the execution of the decree for surrender previously mentioned. A law sometimes requires regulations and decrees for execution consequent upon the law. Taken together, this is one single measure.

MR. JUSTICE JACKSON: Did you not also sign personally a decree under the Four Year Plan, of the 17th of September 1940, ordering the sequestration of Jewish property in Poland?

Goering: Yes, as I stated before, in that part of Poland which, I may say, as an old German province, was to return to Germany.

MR. JUSTICE JACKSON: Did you not also, on the 30th day of November 1940, personally sign a decree which provided that the Jews should receive no compensation for damages caused by enemy attacks or by German forces, and did you not sign that in the capacity of President of the Reich Defense Council? I refer to the *Reichsgesetzblatt*, Volume 1, 1940, Page 1547.

Goering: If you have it there before you, then it must be correct.

MR. JUSTICE JACKSON: You have no recollection of that?

Goering: Not of all the separate laws and decrees. That is impossible.

MR. JUSTICE JACKSON: Then, it was you, was it not, who signed, on the 31st day of July 1941, a decree asking Himmler, and the Chief of Security Police and the SS GruppenFuehrer Heydrich to make the plans for the complete solution of the Jewish question?

Goering: No, that is not correct. I know that decree very well.

MR. JUSTICE JACKSON: I ask to have you shown Document 710, Exhibit Number USA-509.

THE PRESIDENT: Is that 710-PS?

MR. JUSTICE JACKSON: 710-PS, Your Honor.

*[Turning to the witness.]* That document is signed by you, is it not?

Goering: That is correct.

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MR. JUSTICE JACKSON: And it is addressed to the Chief of the Security Police and the Security Service, and to SS GruppenFuehrer Heydrich, isn't it?

Goering: That is also correct.

MR. JUSTICE JACKSON: I am not certain whether the entire thing has been read into the record, but I think it should be; and, that we may have no difficulty about the translation of this, you correct me if I am wrong:

"Completing the task that was assigned to you on the 24th of January 1939..."

Goering: Here is a mistake already. It says: "Complementing" not "completing" the task which has been assigned to you.

MR. JUSTICE JACKSON: Very well, I will accept that.

"... which dealt with arriving at a thorough furtherance of emigration and evacuation, a solution of the Jewish problem, as advantageously as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe."

Am I correct so far?

Goering: No, that is in no way correctly translated.

MR. JUSTICE JACKSON: Give us your translation of it?

Goering: May I read it as it is written here?

"Complementing the task which was conferred upon you already on 24 January 1939, to solve the Jewish problem by means of emigration and evacuation in the best possible way according to present conditions, I charge you herewith to make all necessary preparations as regards organizational, factual, and material matters ....."

Now comes the decisive word which has been mistranslated: "for a total solution," not "for a final solution."

"... for a total solution of the Jewish question within the area of German influence in Europe. Should these come within the competence of other governmental departments, then such departments are to co-operate.

"I charge you further to submit to me as soon as possible a general plan showing the organizational and material measures for reaching the desired total solution of the Jewish question.... Complementing the task assigned to you on 24 January 1939 ....."

That was at a time when there was no war or prospect of a war.

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MR. JUSTICE JACKSON: Now are you reporting the instrument or are you making an explanation?

Goering: I wanted to add an explanation to the quotation and just to point out the date.

MR. JUSTICE JACKSON: Yes. Well, I just did not want it to appear that it was a part of the instrument. The last that is contained in the instrument is:

"I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual, and material measures necessary for the accomplishment of the desired solution of the Jewish question."

Is that not a substantially accurate translation of your order to Heydrich and Himmler?

Goering: To Heydrich and the other government departments which had anything to do with it. That can be seen from the first part of the letter, the last sentence.

MR. JUSTICE JACKSON: Let us have no misunderstanding about this translation now. This letter was directed to the Chief of the Security Police and the Security Service, and SS GruppenFuehrer Heydrich. We are right about that, are we not?

Goering: That is correct, but I have to make an explanation in connection with that.

MR. JUSTICE JACKSON: All right.

Goering: The reason I sent this letter to him was that, by the decree of 24 January 1939, Heydrich, or it may have been Himmler, had been given the task of dealing with the emigration of the Jews. Therefore this was the government department concerned, and it was to the department which had been given the task that I had to apply concerning all material and economic matters arising therefrom.

MR. JUSTICE JACKSON: Yes. And you ordered all other governmental agencies to co-operate with the Security Police and the SS in the final solution of the Jewish question, did you not?

Goering: There is nothing about the SS here, only about the Sicherheitspolizei, a governmental agency. The fact that Heydrich was SS GruppenFuehrer had no direct bearing on it, because it was sent to the Chief of the Security Police -- mentioning his rank as SS GruppenFuehrer Heydrich.

MR. JUSTICE JACKSON: And mentioning his rank in the SS was just superfluous and has nothing to do with the case?

Goering: I have to explain that. For instance, if I write to the Commander-in-Chief of the Army, then I write: "To the Commander-in-Chief of the Army, Colonel General or Field Marshal Von

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Brauchitsch." And if I write to the Chief of the Security Police, then I must address it: "To the Chief of the Security Police, SS GruppenFuehrer Heydrich." That was his rank and his title. However, that does not mean that the SS had anything to do with it.

MR. JUSTICE JACKSON: Now, at the time that you issued this order you had received complete reports as to the 1938 riots and Heydrich's part in them, hadn't you?

Goering: At that time I had no knowledge of Heydrich's part in the riots -- only Heydrich's report on the riots, for which I had asked.

MR. JUSTICE JACKSON: All right. Now we will show you Document Number 3058-PS, in evidence as Exhibit Number USA-508.

*[Document 3058-PS was submitted to the witness.]*

That is the report written by Heydrich which you say you had received, and it is dated 11 November 1938, is it not?

Goering: That is correct.

MR. JUSTICE JACKSON: And it recited to you the looting of Jewish shops, the arrest of 174 persons for looting, the destruction of 815 shops, 171 dwellings set on fire or destroyed, and that this indicated only a fraction of the actual damage caused; 191 synagogues were set on fire, and another 76 completely destroyed; in addition, 11 parish halls, cemetery chapels, and similar buildings were set on fire, and 3 more completely destroyed; 20,000 Jews were arrested; also, 7 Aryans and 3 foreigners -- the latter were

arrested for their own safety; 36 deaths were reported, and the seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include 1 Polish national and those injured include 2 Poles.

You had that report on or about the 11th day of November 1938, did you not?

Goering: That is correct. That is the report mentioned by me and which I had asked the police to supply, because I wanted to know what had happened up to then.

MR. JUSTICE JACKSON: Exactly. And the note was made at the top of it, "The General Field Marshal has been informed and no steps are to be taken." Was it not?

Goering: That is not quite correct. It says here, "General Field Marshal has taken note. No steps are to be taken by any other office," because I myself wanted to take them.

MR. JUSTICE JACKSON: Now, you know that that is not true, do you not, that steps were to be taken by some other office? I put

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it to you squarely whether you are telling this Tribunal the truth when you say that no steps were to be taken by anyone else.

Goering: This is a note by my staff department, that nothing was to be done by that quarter, because I said I was going to deal with it personally. In fact I went straight to the Fuehrer with this report.

MR. JUSTICE JACKSON: All right. Did you receive a report from the Chief Party Judge of the Nazi Party, dated Munich, the 13th of February 1939, concerning the proceedings taken by the Party in these matters?

Goering: That is correct. I received that report much later.

MR. JUSTICE JACKSON: And at the time you appointed -- I withdraw the question. It is obvious from the dates of the documents. You acknowledged the receipt of that document, did you not, to Party member Buch?

Goering: That is also correct.

MR. JUSTICE JACKSON: And the only proceedings that were taken about these riots were those taken by the Party Court, were they not?

Goering: Not quite; some were brought before the law courts. That is in the report also.

MR. JUSTICE JACKSON: I ask that he be shown the report, which is Document 3063-PS. It is not in evidence. Since the document apparently has not been brought here, I will ask you from your recollection.

Goering: I know it fairly well.

MR. JUSTICE JACKSON: I thought so.

Goering: No, because it has been submitted to me before, here.

MR. JUSTICE JACKSON: Yes, it has not been kept from you. Now, in the first place, the Party Court reported that it was probably understood -- I quote -- "by all of the Party leaders present, from oral instructions of the Reich Propaganda Director, that the Party should not appear outwardly as the originator of the demonstrations, but in reality should organize and execute them." Was that the report of the Party Court?

Goering: The Party Court, as a result of its investigation, established that the Propaganda Chief, Dr. Goebbels, had given these directives. May I ask, if we are dealing with a report dated March or maybe April?

MR. JUSTICE JACKSON: The 13th of February 1939, is the date.

Goering: Yes, that is correct; that is the result of investigations after the incidents.

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MR. JUSTICE JACKSON: That is right. Now, as a result of the riots, did the Court, the Party Court, not also report this to you: that the Supreme Party Court has reserved itself the right to investigate the killings, also the severe mistreatment and moral crimes and will request the Fuehrer to drop proceedings against any person whom the Party Court did not find guilty of excesses?

Goering: That is correct.

MR. JUSTICE JACKSON: And the Party Court was made up of Gauleiter and Group Leaders of the Party?

Goering: The Party Court changed. I cannot say just now, without having the document, who made up the Party Court at that time. I see that I am being given the document.

MR. JUSTICE JACKSON: I call your attention to Page 4, toward the bottom, where the report says, "Gauleiter and Group Leaders of the branches served as jurors at the trials and decisions."

Goering: Yes, it was a matter of course that the jurors of the Party Court were always taken from these categories according to their importance. I wanted only to say I did not know which persons were taking part here.

MR. JUSTICE JACKSON: Now, the Party Court found five persons guilty of offenses, did they not? Number 1, a Party member, was guilty of a moral crime and race violation and he was expelled. Is that right?

Goering: And turned over to the penal court. That is what it says in the last sentence.

MR. JUSTICE JACKSON: That is right. Another Party member, Case Number 2, was suspected of race violation and expelled from the Nazi Party.

Goering: Expelled for suspected race violation and theft, and turned over to the ordinary court.

MR. JUSTICE JACKSON: Yes; and Number 2, Gustav, was expelled from the Party and SA for theft. Right?

Goering: You are at Number 3?

MR. JUSTICE JACKSON: I have Number 2, Gustav, the first name mentioned.

Goering: Gustav is the first name - Gerstner -- yes, for theft, also turned over to the ordinary court for suspected race violation.

MR. JUSTICE JACKSON: Now, Number 3 dealt with two expulsions of Party members on the grounds of moral crimes against a Jewess, and they are now held in protective custody. Right?

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Goering: Expelled from the NSDAP and taken into protective custody; they were also turned over to the civil court later. I know that very well.

MR. JUSTICE JACKSON: Now, we come to Cases 4 and 5, the first of which was a man, a Party member and SA member, who was reprimanded and declared unfit to hold office for 3 years because of a disciplinary offense, namely, for killing the Jewish couple Selig, contrary to order. Is that right?

Goering: That is correct.

MR. JUSTICE JACKSON: And in the last of these cases the offender was reprimanded and declared unfit to hold office for 3 years for shooting a 16-year-old Jew, contrary to orders after completion of the drive. Is that right?

Goering: That is correct.

MR. JUSTICE JACKSON: We now come to the cases of the killing of Jews, where proceedings were suspended or minor punishments pronounced. I will not go through those in detail, but it is a fact that only minor punishments were pronounced by the Supreme Court of the Party for the killing of Jews, were they not?

Goering: Yes, that is correct.

MR. JUSTICE JACKSON: I now ask you to turn to Page 8.

Goering: One moment please.

MR. JUSTICE JACKSON: I call your attention to the language in regard to Cases 3 to 16.

Goering: Which page, please?

MR. JUSTICE JACKSON: Nine, I believe it is. The Supreme Party Court asks the Fuehrer to quash the proceedings in the State criminal courts.

Goering: To quash them, to beat them down, that does not mean suppress. A penal proceeding can be "niedergeschlagen." In Germany that is a different thing from "suppress."

MR. JUSTICE JACKSON: Well, you give us your version of it and tell us what it is. What does beating down a proceeding mean? Does it mean that it has ended?

Goering: That is what it means, but it can only be ordered by an office which has authority to do it; that is to say, the Fuehrer can at any time "beat down" a proceeding by way of an amnesty. The Cabinet could at any time pass a resolution to "beat down" a proceeding -- suppressing it would have been illegal. In Germany, "niedergeschlagen" is a legal term meaning "to suspend."

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MR. JUSTICE JACKSON: And one further question. It was also reported to you, was it not, in that report -- I refer to Page 11: "The public down to the last man realize that political drives, like those of 9 November, were organized and directed by the Party, whether this is admitted or not. When all the synagogues burned down in one night, it must have been organized in some way and can only have been organized by the Party."

That also was in the report of the Supreme Party Court, was it not?

Goering: I have not found it yet. It is not the same page as mine.

MR. JUSTICE JACKSON: Let us find it and not have any mistake about it. Page 11. I should think it would be at the very bottom of Page 10, perhaps, where it starts.

Goering: Yes, I have just found it.

MR. JUSTICE JACKSON: Did I give a reasonably correct translation of it?

Goering: That is correct.

THE PRESIDENT: Would that be a convenient time to break off? Before we break off, will you offer in evidence these documents that you have been putting to the witness? Those which are not already in evidence?

MR. JUSTICE JACKSON: Yes, they should be, Your Honor, I will do that.

THE PRESIDENT: I think Document 3575-PS may have been offered yesterday, but not strictly offered in evidence; and Document 3063-PS today; and one other document the number of which I have not got.

MR. JUSTICE JACKSON: I appreciate very much your calling my attention to it.

*[A recess was taken.]*

DR. HORN: Mr. President: I ask you, Your Honor, to permit the Defendant Von Ribbentrop to be absent from tomorrow's session, as there are still some fundamental questions I have to discuss with him in order to prepare his counterevidence.

THE PRESIDENT: Dr. Horn, your suggestion as I understand it, is that the Defendant Ribbentrop should be absent from tomorrow morning's sitting in order that you may consult with him in reference to the preparation of his defense. Is that right?

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DR. HORN: Yes.

THE PRESIDENT: The Tribunal has no objection to that course being taken provided that you make arrangements with some other Defense Counsel to look after Defendant Ribbentrop's interests if any questions arise. The Tribunal does not wish that you should come hereafter and say that you and Defendant Ribbentrop were out of court and object to what may have happened in your absence. You understand what I mean?

DR. HORN: Yes, Mr. President, and I give you my assurance that I will not use an objection of that nature, and shall ask one of my colleagues to act on my behalf.

THE PRESIDENT: The Tribunal has no objection to your taking that course of action, but of course you realize that the Trial cannot be held up by any delay which might be caused in the future by the fact that you were not present.

DR. HORN: Mr. President, the purpose of my request is such that it will help me to avoid future delays.

THE PRESIDENT: Yes, I quite understand that. I was only saying that in allowing you to do this, which is perfectly reasonable, the Tribunal is merely indicating they will not allow any future delays. The Trial must continue.

DR. HORN: I understand that and I wish to thank you.

MR. JUSTICE JACKSON: *[Turning to the witness.]* Now, the *Volkischer Beobachter* of the 12th of March 1933 quotes a speech of yours delivered at Essen on the 11th of March 1933, including the following -- and I refresh your recollection by calling it to your attention:

"I am told that I must employ the police. Certainly I shall employ the police, and quite ruthlessly, whenever the German people are hurt; but I refuse the notion that the police are protective troops for Jewish stores. No, the police protect whoever comes into Germany legitimately, but it does not exist for the purpose of protecting Jewish usurers."

Did you say that?

Goering: When did you say that was?

MR. JUSTICE JACKSON: Did you say that on the 11th of March 1933 in a speech at Essen, either that or that in substance?

Goering: That is correct, but the circumstances were different. Before I answer, I would like to ask whether you have finished with the document in the book that was submitted to me previously. I gave no explanation and will ask my counsel to have me questioned later in regard to that document.

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MR. JUSTICE JACKSON: That is satisfactory.

After the riots of November 9th and 10th, you have testified that you called a meeting on the 12th of November and ordered all officials concerned to be present, and that the Fuehrer had insisted on Goebbels being present.

Goering: Yes, all chiefs of the economic departments.

MR. JUSTICE JACKSON: Could you tell us who was there in addition to yourself and Goebbels?

Goering: As far as I recall, the following were there for the purpose of reporting: The Chief of the Secret State Police, concerning the events, the Minister of Economy, the Minister of Finance, the Minister of the Interior...

MR. JUSTICE JACKSON: Will you please state their names so that there will not be any mistake about who was there at that time.

Goering: I can quote only from memory. There were present to draw up a report: The leader of the Secret State Police in Berlin, Heydrich; the Minister of the Interior, Dr. Frick; Dr. Goebbels you have mentioned already; the then Minister of Economy, Funk, was there; the Finance Minister, Count Schwerin von Krosigk; and Fischbock from Austria.

Those are the only names I can recall at present, but there may have been a few others there too.

MR. JUSTICE JACKSON: Part of the time, Hilgard, representing the insurance companies, was also present, was he not?

Goering: He was summoned and waited there. His views were asked on special questions.

MR. JUSTICE JACKSON: Now, you have been shown the stenographic minutes of that meeting which are in evidence as Exhibit Number USA-261, being Document Number 1816-PS, have you not, in your interrogation?

Goering: Yes.

MR. JUSTICE JACKSON: I will ask that they be shown to you, and now, so that we may have no misunderstanding about the translations.

You opened the meeting with this statement. I will read it: "Gentlemen..." I think perhaps we had better be clear about which meeting it was. This is the meeting held on the 12th day of November 1938 at the office of the Reich Air Ministry. That is correct, is it not?

Goering: Yes, that is correct.

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MR. JUSTICE JACKSON: You opened the meeting:

"Gentlemen, today's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders by the Stabsleiter of the Fuehrer's Deputy, Bormann, requesting that the Jewish question be now, once and for all, co-ordinated and solved one way or another."

Is that correct?

Goering: Yes, that is correct.

MR. JUSTICE JACKSON: Further down, I find this:

"Gentlemen, I have had enough of these demonstrations. They do not harm the Jews, but finally devolve on me, the highest authority for the German economy. If today a Jewish shop is destroyed, if goods are thrown into the street, the insurance company will pay the Jew for the damages so that he does not suffer any damage at all. Furthermore, consumer goods, goods belonging to the people, are destroyed. If, in the future, demonstrations occur -- and on occasion they may be necessary -- then I ask that they be so directed that we do not cut our own throats."

Am I correct?

Goering: Yes, quite correct.

MR. JUSTICE JACKSON: Skipping two or three paragraphs, I come to this ...

Goering: But the supplement has been omitted.

MR. JUSTICE JACKSON: Well, you can supplement it any way you want to.

Goering:

"...then I ask that they be so directed that we do not cut our own throats. For it is absurd to empty and set fire to a Jewish store, when a German insurance company has to cover the damage, and the goods which I sorely need are burned.. I might as well take and burn the raw materials when they come in."

MR. JUSTICE JACKSON: That is right. You read any part of it that you want to as we go along, in addition to what I read.

"I am not going to tolerate a situation in which the German insurance companies are the ones to suffer. To prevent this, I will use my authority and issue a decree. In this, of course, I

ask for the support of the competent, government agencies, so that everything shall be settled properly and the insurance companies will not be the ones who suffer.

"But another problem immediately emerges: It may be that these insurance companies have re-insurance in foreign

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countries. If there are such re-insurances, I would not want to give them up, because they bring in foreign exchange. The matter must be looked into. For that reason, I have asked Mr. Hilgard from the insurance company to attend, since he is best qualified to tell us to what extent the insurance companies are covered by re-insurance against such damage. I would not want to give this up under any circumstances."

Is that correct?

Goering: That is absolutely correct.

MR. JUSTICE JACKSON:

"I do not want to leave any doubt, gentlemen, as to the purpose of today's meeting. We have not come together merely to talk again, but to make decisions; and I earnestly ask the competent departments to take trenchant measures for the Aryanizing of German economy and to submit them to me as far as is necessary."

Goering: That is correct.

MR. JUSTICE JACKSON: I then skip a considerable portion, unless there is more that you wish to put in, and come to this statement:

"The State Trustee will estimate the value of the business and decide what amount the Jew shall receive. Naturally, this amount is to be fixed as low as possible. The State Trustee will then transfer the business to Aryan ownership. The aim is thus accomplished, inasmuch as the business is transferred to the right ownership and its goodwill and balance sheet remain unimpaired.

"Then the difficulties begin. It is easily understandable that attempts will be made on a large scale to get Party members into all these stores and thus give them some compensation. I have witnessed terrible things in the past; little chauffeurs of Gauleiter have profited so much by these transactions that they have raked in half a million. You gentlemen know it. Is that correct?"

And they assented.

Goering: Yes, I said that.

MR. JUSTICE JACKSON: Would you care to read anything further in connection with that?

Goering: Perhaps only the next sentence:

"These are, of course, things which are not permissible, and I shall not hesitate to deal ruthlessly with such underhand dealings. If a prominent person is involved I shall go straight to the Fuehrer and report these dirty tricks quite impartially."

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MR. JUSTICE JACKSON: That is, if any individual was attempting to profit by Jewish possessions -- is that what you meant?

Goering: By Aryanization.

MR. JUSTICE JACKSON: I will quote another portion:

"In other words, it must be an ordinary business transaction. One sells his business and another buys it. If there are Party members among the would-be purchasers, they are to be given preference if they fulfill the same conditions. First of all should come those who have suffered damage. After that, preference should be given on grounds of Party membership."

I will skip a line or two:

"This Party member should have a chance to buy the business for as cheap a price as possible. In such a case, the State will not receive the full price, but only the amount the Jew received."

Is that correct?

Goering: Just a moment, please, I believe you skipped something.

MR. JUSTICE JACKSON: Yes, we did. If you want to put it in, you may read it.

Goering: No, I want to put it quite briefly, so that it will not take too long. I said what you have already said, that all things being equal, the Party member is to be given preference, the first on the list being the member who suffered prejudice by having his business license cancelled because he was a Party member. Then follows the paragraph which you read and which is correct.

MR. JUSTICE JACKSON: Now, you then speak at considerable length of the method by which you intended to Aryanize Jewish businesses, is that right?

Goering: Yes.

MR. JUSTICE JACKSON: And then you take up the Aryanization of Jewish factories.

Goering: Yes.

MR. JUSTICE JACKSON: You speak of the smaller factories first.

Goering: Yes.

MR. JUSTICE JACKSON: Have you found the place where you speak of the factories?

Goering: Yes, I have found it.

MR. JUSTICE JACKSON: I quote.

"Now the factories. With regard to the smaller and medium-sized ones, two things will have to be made clear: First, which are the factories for which I have no use, and which can

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be shut-down? Could they not be put to another use? If not, then these factories are to be pulled down. Second, if the factory should be needed, it will be turned over to Aryans in the same manner as the stores."

That is correct, isn't it?

Goering: Yes.

MR. JUSTICE JACKSON: Do you care to say any more on that subject?

Goering: No, those are the basic elements for the laws.

MR. JUSTICE JACKSON: Now, I call your attention to the second paragraph, starting, "Take now the larger factories." Do you find that?

Goering: Yes.

MR. JUSTICE JACKSON: Dealing with the larger factories, do you not say the solution is very simple, that the factory can be compensated in the same manner as the stores, that is, at a rate which we shall determine, and the Trustee shall take over the Jew's interest, as well as his shares, and in turn sell or transfer them to the State as he thinks fit.

Goering: That means any one who has any interest in the factories will receive compensation, according to the scale laid down by us.

MR. JUSTICE JACKSON: And the reparation will be turned over to the State Trustee, will it not?

Goering: Yes, to the State Trustee. The matter was simply this: The Jew relinquished his ownership and received bonds. That was to be settled by the Trustee through 3 percent bonds.

MR. JUSTICE JACKSON: Well, we will pass on to where you deal with the foreign Jews, do you recall that?

Goering: Yes.

MR. JUSTICE JACKSON: At that point a representative of the Foreign Office claimed the right to participate on behalf of the Foreign Minister, is that right?

Goering: Yes.

MR. JUSTICE JACKSON: Well, now, we will pass on to the point of the conversation between yourself and Heydrich.

Goering: Just a moment, please. Part of the minutes are missing. All right. I have found the place where Heydrich is mentioned for the first time.

MR. JUSTICE JACKSON: You inquired how many synagogues were actually burned, and Heydrich replied, "Altogether there were

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101 synagogues destroyed by fire, 76 synagogues demolished, and 7,500 stores destroyed in the Reich." Have I quoted that correctly?

Goering: Yes.

MR. JUSTICE JACKSON: Well, then Dr. Goebbels interposed, "I am of the opinion that this is our chance to dissolve the synagogues." And then you have a discussion about the dissolving of the synagogues, have you not?

Goering: By Dr. Goebbels, yes.

MR. JUSTICE JACKSON: Then, Dr. Goebbels raised the question of Jews traveling in railway trains?

Goering: Yes.

MR. JUSTICE JACKSON: Let me know if I quote correctly the dialogue between you and Dr. Goebbels on that subject. Dr. Goebbels said:

"Furthermore, I advocate that Jews be banned from all public places where they might cause provocation. It is still possible for a Jew to share a sleeper with a German. Therefore, the Reich Ministry of Transport must issue a decree ordering that there shall be separate compartments for Jews. If this compartment is full, then the Jews cannot claim a seat. They can only be given separate compartments after all Germans have secured seats. They must not mix with the Germans; if there is no more room, they will have to stand in the corridor."

Is that right?

Goering: Yes, that is correct.

MR. JUSTICE JACKSON:

"Goering: I think it would be more sensible to give them separate compartments.

"Goebbels: Not if the train is overcrowded.

"Goering: Just a moment. There will be only one Jewish coach. If that is filled up the other Jews will have to stay at home.

"Goebbels: But suppose there are not many Jews going, let us say, on the long-distance express train to Munich. Suppose there are two Jews on the train, and the other compartments are overcrowded; these two Jews would then have a compartment to themselves. Therefore, the decree must state, Jews may claim a seat only after all Germans have secured a seat.

"Goering: I would give the Jews one coach or one compartment, and should a case such as you mention arise, and the train be overcrowded, believe me, we will not need a law.

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He will be kicked out all right, and will have to sit alone in the toilet all the way."

Is that correct?

Goering: Yes. I was getting irritated when Goebbels came with his small details when important laws were being discussed. I refused to do anything. I issued no decrees or laws in this connection. Of course, today, it is very pleasant for the Prosecution to bring it up, but I wish to state that it was a very lively meeting at which Goebbels made demands which were quite outside the economic sphere, and I used these expressions to give vent to my feelings.

MR. JUSTICE JACKSON: Then Goebbels, who felt very strongly about these things, said that Jews should stand in the corridor, and you said that they would have to sit in the toilet. That is the way you said it?

Goering: No, it is not. I said that they should have a special compartment; and when Goebbels still was not satisfied, and harped on it, I finally told him, "I do not need a law. He can either sit in the toilet or leave the train." These are utterances made in this connection which, however, have nothing to do with the world-wide importance of the great conflict.

MR. JUSTICE JACKSON: Let us go down to where Goebbels brings up the subject of the German forests.

Goering: Just a moment. Yes. It starts where Goebbels asked for a decree which would prevent Jews from going to German holiday resorts. To which I replied "Give them their own." And then he suggested that it would have to be considered whether we should give them their own resorts, or place some German bathing places at their disposal, but not the best ones so that people might say: "You allow the Jews to get fit by using our bathing resorts." The question must also be considered whether it was necessary to forbid the Jews to go into the German forests. Herds of Jews are today running around in Grunewald; that is a constant provocation -- and so on. Then when he broke in again, I replied very sharply, "It would be better to put a certain part of the forest at the disposal of the Jews," as he wanted them out of the whole of the forests. Then I made the remark which seems to be of so much interest.

MR. JUSTICE JACKSON: Let us have that remark. Is it not correct, you did state:

"We will give the Jews a certain part of the forest, and Alpers will see to it that the various animals, which are damnably like the Jews -- the Elk too has a hooked nose -- go into the Jewish enclosure and settle down among them."

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Is that what you said?

Goering: Yes, I said it, but it should be linked up with the whole atmosphere of the meeting. Goebbels comes back on it again in the next sentence and says he considers my attitude provoking. I too can say I was provoked by his insistence on unimportant things, when such far-reaching and decisive matters were being discussed.

MR. JUSTICE JACKSON: Now, you come to the point where you ask Mr. Hilgard from the insurance company to come in. Can you find that?

Goering: Yes.

MR. JUSTICE JACKSON: Then you made a statement Mr. Hilgard when he came in.

"The position is as follows: Because of the justified anger of the people against the Jews, the Reich has suffered a certain amount of damage. Windows have been broken, goods damaged, and people hurt; synagogues have been burned, and so forth, I suppose many of the Jews are also insured against damage committed by public disorder?

"Hilgard: Yes.

"Goering: If that is so, the following situation arises. The people in their justified anger meant to harm the Jews, but it is the German insurance companies which have to compensate the Jews for the damage. The thing is simple enough. I have only to issue a decree to the effect that damage resulting from these riots shall not have to be paid by the insurance companies."

Is that what you said?

Goering: Yes, I said all that.

MR. JUSTICE JACKSON: Hilgard then outlined three kinds of insurance. He pointed out that at least as far as plate glass insurance was concerned, the majority of the sufferers were Aryans who owned buildings and that, as a rule, the Jews only rented them. Is that right?

Goering: Yes, those are the details of the discussion.

MR. JUSTICE JACKSON: And Hilgard said:

"May I draw your attention to the following facts: Plate glass is not manufactured by the Bohemian glass industry, but is entirely in the hands of the Belgian glass industry. In my

estimation the damage amounts to 6 millions; that is to say, under the insurance policies, we shall have to pay the owners,

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who for the most part are Aryans, about 6 millions compensation for the glass."

THE PRESIDENT: Mr. Justice Jackson, before you pass from that page, in the third paragraph, just for the sake of accuracy, it appears that the name "Mr. Hilgard" is wrongly placed, does it not, because he seems both to put the question and to answer it.

MR. JUSTICE JACKSON: Well, I think that is ...

THE PRESIDENT: Probably the Defendant Goering put the question. It is the third paragraph on my page.

MR. JUSTICE JACKSON: I take the minutes to read that when Hilgard appeared, Goering addressed him as "Mr. Hilgard."

THE PRESIDENT: Yes, I see.

MR. JUSTICE JACKSON: But it is correct, as Your Honor suggests.

Goering: I wish to point out what was said before concerning the broken glass. Goebbels said: "The Jews must pay for the damage," and I said, "It is no use, we have no raw material, it is all foreign glass. That will require foreign currency. It is like asking for the moon." Then Hilgard comes with the discussions just mentioned.

MR. JUSTICE JACKSON: Yes, and Hilgard pointed out that:

"Incidentally the amount of damage equals about half a year's production of the whole of the Belgian glass industry. We believe that the manufacturers will take 6 months to deliver the glass."

Do you recall that?

Goering: Yes.

MR. JUSTICE JACKSON: Well, passing down, you come to a point at which Hilgard tells you about a store on Unter den Linden which was attacked. Can you find that?

Goering: He said, "The biggest incident is the case of Margraf, Unter den Linden." Isn't that so?

MR. JUSTICE JACKSON: That is right.

Goering: Yes.

MR. JUSTICE JACKSON: "The damage reported to us amounts to 1,700,000 because the store was completely ransacked." Is that right?

Goering: Yes.

MR. JUSTICE JACKSON: "Goering: Daluge and Heydrich, you must get me these jewels by large-scale raids." Is that the order you gave?

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Goering: Yes, of course, so that the stolen goods should be brought back.

MR. JUSTICE JACKSON: Brought back to you, not to the Jews?

Goering: Not to me personally, I beg your pardon, that is quite clear.

MR. JUSTICE JACKSON: Brought back to the State -- you did not intend to return them to the Jews?

Goering: It does not say that here. The main thing is, that they should be brought back.

MR. JUSTICE JACKSON: "We are trying to get the loot back," as Heydrich put it, is that right? And you added, "And the jewels?"

Goering: If a large jewelry shop is plundered, something must be done about it because with these valuables a great deal of trouble could be caused. Therefore, I ordered raids to be carried out to have these things, as well as other stolen goods, brought back. When a business was Aryanized, its stock was also transferred to the new owner. The main point, however, was that action should be taken against those who had stolen and plundered, and in fact 150 had already been arrested.

MR. JUSTICE JACKSON: And Heydrich went on to report on the method of these raids after you reminded him to bring back, to get the jewels.

"It is difficult to say. Some of the articles were thrown into the street and picked up. The same happened with the furriers. For example, in the Friedrichstrasse in the district of Police Station C. There the crowd naturally rushed to pick up mink and skunk furs, *et cetera*. It will be very difficult to recover them. Even children filled their pockets just for the fun of the thing. It is suggested that the Hitler Youth should not be employed on such actions without the Party's consent. Such things are very easily destroyed."

Goering: Yes, so it says.

MR. JUSTICE JACKSON: And Daluge then suggests:

"The Party should issue an order to the effect that the police must immediately be notified if the neighbor's wife -- everybody knows his neighbor very well -- has a fur coat remodeled or somebody is seen wearing a new ring or bracelet. We should like the Party to assist in this matter."

Correct?

Goering: This is absolutely correct.

MR. JUSTICE JACKSON: Now, Hilgard objected to your plan of releasing the insurance companies from paying the claims, did he not?

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Goering: Yes, this is also correct.

MR. JUSTICE JACKSON: And he gave the reasons:

"Hilgard: If I may give the reasons for my objection, the point is that we do a large international business. Our business has a sound international basis, and in the interests of the foreign exchange position in Germany we cannot allow the confidence in the German insurance business to be shaken. If we were now to refuse to fulfill commitments entered into by legal contracts it would be a blot on the escutcheon of the German insurance business.

"Goering: But it would not be if I were to issue a decree or a law."

Am I quoting correct?

Goering: Yes, and in Hilgard's reply -- and that is the reply I wanted to come to -- he pointed out that the insurance companies could not get out of paying claims unless a law provided for it. If the sovereign state passes a law to the effect that the insurance sums must be forfeited to the state, then the insurance companies are no longer under any obligation.

MR. JUSTICE JACKSON: Now, I suggest to you that that is not correct, but that even though you proposed to issue a decree absolving the German insurance companies, the companies insisted on meeting their obligations; and then Heydrich interposed and said: "By all means, let them pay the claims and when payment is made it will be confiscated. Thus we will save our face."

Correct?

Goering: Heydrich said that, but I issued a law.

MR. JUSTICE JACKSON: Did you not then say:

"One moment. They will have to pay in any case because Germans suffered damage. There will, however, be a law forbidding them to make direct payments to Jews. They will also have to make payment for damage suffered by Jews, not to the Jews, but to the Minister of Finance.

"Hilgard: Aha."

Goering: I have just said so.

MR. JUSTICE JACKSON: You accepted Heydrich's suggestion, which was quite contrary to the one you made?

Goering: No, I did not accept Heydrich's suggestion, but I issued a law to the effect that insurance money due to Jews must be paid to the Minister of Finance, as I did not agree with Heydrich that insurance money should be paid out and then surreptitiously confiscated. I went about it in a legal way and was not afraid to make

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the necessary law and to take the responsibility for the claims to be paid to the State, that is, to the Minister of Finance.

MR. JUSTICE JACKSON: Well, the Tribunal will judge for itself, we have the evidence.

Now, Hilgard, representing the insurance companies, then raised the question that the amount of glass insurance premium was very important, that glass insurance was the companies' greatest asset, "but the amount of the damage now caused is twice as high as in an ordinary year," and he pointed out that the whole of the profits of the German insurance companies would be absorbed, did he not?

Goering: Yes.

MR. JUSTICE JACKSON: And also the question of the number of the stores destroyed -- Heydrich reported 7,500, is that right?

Goering: Yes.

MR. JUSTICE JACKSON: Now, I call your attention to the following conversation.

Daluege...

Who, by the way, was he?

Goering: Daluege was the leader of the Schutzpolizei.

MR. JUSTICE JACKSON:

"One question has still to be discussed. Most of the goods in the stores were not the property of the shopkeepers but were on consignment from other firms which had supplied them. Now the unpaid invoices are being sent in by these firms, which are certainly not all Jewish, but Aryan, in respect to these goods on consignment.

"Hilgard: We will have to pay for them too.

"Goering: I wish you had killed 200 Jews instead of destroying such valuables.

"Heydrich: There were 35 killed."

Do I read that correctly?

Goering: Yes, this was said in a moment of bad temper and excitement.

MR. JUSTICE JACKSON: Spontaneously sincere, wasn't it?

Goering: As I said, it was not meant seriously. It was the expression of spontaneous excitement caused by the events, and by the destruction of valuables, and by the difficulties which arose. Of course, if you are going to bring up every word I said in the course of 25 years in these circles, I myself could give you instances of even stronger remarks.

MR. JUSTICE JACKSON: Then Funk interposed to discuss the foreign exchange point, did he not? He contributed to the discussion, did he not, for a while? I will not bother to go into it.

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Goering: Yes, but not everything is put down in the minutes, which are not clear on this point. I regret the minutes are incomplete. That is strange.

MR. JUSTICE JACKSON: I join you in that.

Hilgard returned again to the subject of the profit of the insurance companies, did he not?

Goering: Yes, of course.

MR. JUSTICE JACKSON: And you made this statement, did you not?

"The Jew must report the damage. He will get the insurance money, but it will be confiscated. The final result will be that the insurance companies will gain something, as not all damages will have to be made good. Hilgard, you can consider yourself damned lucky.

"Hilgard: I have no reason for that. The fact that we shall not have to pay for all the damage is called a profit.

"Goering: Just a moment. If you are legally bound to pay 5 millions and all of a sudden an angel, in my somewhat corpulent shape, appears before you and tells you you may keep 1 million, hang it, is this not a profit? I should like to go 50-50 with you or whatever you call it. I only have to look at you, your whole body exudes satisfaction. You are getting a big rake-off."

Am I quoting correctly?

Goering: Yes, of course, I said all that.

THE PRESIDENT: We will break off now.

*[The Tribunal recessed until 1400 hours.]*

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## **Afternoon Session**

DR. ALFRED SEIDL (Counsel for Defendant Hess): Mr. President, the Defendant Hess has expressed the wish to be excused from attending this afternoon's session, because he wants to prepare himself for his examination as a witness, which will take place in the next few days. I do not believe that this will cause a delay in the proceedings, and I should like to ask the Tribunal to grant this request.

THE PRESIDENT: Certainly, on the same conditions as before, namely, that you arrange with somebody to protect your interests while you are absent.

DR. SEIDL: I will not be absent myself, only Hess.

THE PRESIDENT: Very well.

MR. JUSTICE JACKSON: *[To the witness.]* I would like to call your attention again to the Exhibit USA-261, Document 1816-PS. Would you turn to Part 5, where you were speaking of Margraf's jewels that disappeared?

Goering: That is going back to something already dealt with.

MR. JUSTICE JACKSON: Yes, for a time, to Part 5. I call your attention to your statement as follows:

"Now we come to the damage sustained by the Jew, the disappearance of the jewels at Margraf's, *et cetera*. Well, they are gone and he will not get them refunded. He is the one who has to suffer the damage. Any of the jewels which may be returned by the police will belong to the State."

Do you find that?

Goering: Yes, that is correct, but on the basis of the laws he was compensated for that.

MR. JUSTICE JACKSON: Now, there was a representative of Austria present at this meeting, was there not?

Goering: Yes.

MR. JUSTICE JACKSON: And I ask you to turn to his statement in reference to conditions in Austria, a page or so farther on.

Goering: Yes.

MR. JUSTICE JACKSON: And I ask you whether he did not report to your meeting as follows:

"Your Excellency, in this matter, we have already a very complete plan for Austria. There are 12,000 Jewish workshops and 5,000 Jewish retail shops in Vienna. Even before the National Socialist revolution we already had, concerning these 17,000 shops, a definite plan for dealing with all tradesmen. Of

the 12,000 workshops about 10,000 were to be closed definitely...."

Goering: The interpreter did not follow ...

MR. JUSTICE JACKSON: Do you find it?

Goering: I have found it, but the interpreter has not.

MR. JUSTICE JACKSON:

"Regarding this total of 17,000 stores, of the shops of the 12,000 artisans, about 10,000 were to be closed definitely and 2,000 were to be kept open. Four thousand of the 5,000 retail stores were to be closed and 1,000 kept open, that is, were to be Aryanized. According to this plan, 3,000 to 3,500 of the total of 17,000 stores would be kept open, all others closed. This was decided following investigations in every single branch and according to local needs, in agreement with all competent authorities, and is ready for publication as soon as we shall receive the law which we requested in September. This law shall empower us to withdraw licenses from artisans quite independently of the Jewish question. That would be quite a short law.

"Goering: I shall have this decree issued today."

Goering: Of course. This concerns a law for the curtailment of the heavy retail trade which, even apart from the Jewish question, would have reduced the number of retailers. That can be seen from the minutes.

MR. JUSTICE JACKSON: Very well, let us go on a little further. Do you mean to inform the Tribunal that this did not apply to Jewish shops; that it had no connection with the Jewish question?

Goering: I have said that independently of the Jewish question, in view of the overfilled retail trade, a limitation of the number of tradesmen would have followed, and that it can be seen from the following statement by Mr. Fischbock, which you have read, that I asked for a law which would authorize us to withdraw licenses, without any connection with the Jewish question. That would be a brief law. Whereupon I answered, "I will issue the decree today."

MR. JUSTICE JACKSON: Now, if you will...

Goering: Naturally, above all, Jewish stores were to be eliminated, as I said in the beginning.

MR. JUSTICE JACKSON: Please go on down two paragraphs to where this was reported:

"But I do not believe that there will be 100 stores, probably fewer; and thus, by the end of the year, we would have liquidated all the recognized Jewish-owned businesses.

"Goering: That would be excellent.

"Fischbock:.... "

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Goering: Yes, yes, that was the import of that meeting.

MR. JUSTICE JACKSON:

"Fischbock: Out, of 17,000 stores 12,000 or 14,000 would be shut down and the remainder Aryanized or handed over to the Trustee's office, which belongs to the State.

"Goering: I have to say that this proposal is grand. This way the whole affair in Vienna, one of the Jewish capitals so to speak, would be wound up by Christmas or by the end of the year.

"Funk: We can do the same thing here. I have prepared a law elaborating that. Effective 1 January 1939, Jews shall be prohibited from operating retail stores and wholesale establishments, as well as independent workshops. They shall be further prohibited from keeping employees, or offering any ready-made products on the market; from advertising or receiving orders. Whenever a Jewish shop is operated the police shall shut it down.

"From 1 January 1939 a Jew can no longer be head of an enterprise, as stipulated in the law for the organization of national labor of 20 January 1934. If a Jew has a leading position in an establishment without being the head of the enterprise, his contract may be declared void within 6 weeks by the head of the enterprise. With the expiration of this period all claims of the employee, including all claims to maintenance, become invalid. That is always very disagreeable and a great danger. A Jew cannot be a member of a corporation. Jewish members of corporations will have to be retired by 31 December 1938. A special authorization is unnecessary. The competent ministers of the Reich are being authorized to issue the provision necessary for execution of this law.

"Goering: I believe we can agree with this law."

Goering: Yes.

MR. JUSTICE JACKSON: Now I ask you to pass a considerable dialogue relating to the Vienna situation, and I call your attention to the point at which Funk inquires of you:

"Why should the Jew not be allowed to keep bonds?

"Goering: Because in that way he would actually be given a share."

Goering: Yes, that was the purpose, to get him out of the enterprise. If he kept the bonds, on the basis of his rights as stockholder he still had an interest in the enterprise, and on the basis of ownership of stocks his will would still carry weight in the enterprise.

MR. JUSTICE JACKSON: You turned Funk's suggestion down that the Jews be allowed to keep bonds?

Goering: Yes. I replaced the bonds with securities.

MR. JUSTICE JACKSON: Well, we will pass several more pages of debate, unless there is something you want to call attention to; and I come to the point where Heydrich is stating his position. I call your attention to this dialogue:

"Heydrich: At least 45,000 Jews were made to leave the country by legal measures.

"Goering:..."

Goering: One moment, please. I find it now.

MR. JUSTICE JACKSON:

"At least 45,000 Jews were made to leave the country by legal measures.

"Goering: How was this possible?"

And then Heydrich tells you that: "... through the Jewish societies we extracted a certain amount of money from the rich Jews who wanted to emigrate. By paying this amount and an additional sum in foreign currency they made it possible for a number of poor Jews to leave. The problem was not to make the rich Jews leave but to get rid of the Jewish mob."

Is that correct?

Goering: One moment. I do not find it here yet, but generally that is correct, yes.

MR. JUSTICE JACKSON: Pass on a little further. Heydrich is making suggestions and says:

"As for the isolating, I would like to make a few proposals regarding police measures, which are important also because of their psychological effect on public opinion.

"For example, anybody who is Jewish according to the Nuremberg Laws will have to wear a certain badge. That is a possibility which will facilitate many other things. I see no danger of excesses, and it will make our relationship with the foreign Jews easier.

"Goering: A uniform?

"Heydrich: A badge. In this way we could put an end to foreign Jews being molested who do not look different from ours.

"Goering: But my dear Heydrich, you will not be able to avoid the creation of ghettos on a very large scale in all the cities. They will have to be created."

Is that what you said?

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Goering: I said that. At that time the problem was also to get the Jews together in certain parts of the cities and in certain streets, because on the basis of the tenancy regulations there was no other possibility, and if the wearing of badges was to be made obligatory, each individual Jew could have been protected.

MR. JUSTICE JACKSON: Now, passing further in the discussion, I call your attention to this warning from Heydrich about the measures which have been discussed:

"Goering: Once we have a ghetto, we could determine what stores ought to be there and we would be able to say, 'You, Jew so and so, together with so and so, shall take care of the delivery of goods,' then a German wholesale firm will be ordered to deliver the goods for this Jewish store. The store would then not be a retail shop but a co-operative store, a co-operative society for Jews.

"Heydrich: All these measures will eventually lead to the institution of a ghetto. I must say: nowadays one should not want to set up a ghetto, but these measures, if carried through as outlined here, will automatically drive the Jews into a ghetto."

Did Heydrich give that warning?

Goering: Here it says so, yes, but it can be seen from the following discussion that I said: "Now comes that which Goebbels mentioned before, compulsory renting. Now the Jewish tenants will come together." It was a question of the Jewish tenants drawing together in, order to avoid the disagreeable results which arose from reciprocal subletting.

MR. JUSTICE JACKSON: You have omitted that Funk also remarked at this point that "Jews will have to stand together. What are 3 million? Every one will have to stand up for the next fellow. Alone he will starve."

Do you find that?

Goering: Yes. But in another part of these minutes it is stated very clearly: "One cannot let the Jews starve, and therefore the necessary measures must be taken."

MR. JUSTICE JACKSON: Toward the close of that meeting you said the following, didn't you?

"I demand that German Jewry as a whole shall, as a punishment for the abominable crimes, *et cetera*, make a contribution of 1,000,000,000 marks. That will work. The pigs will not commit a second murder so quickly. Incidentally, I would like to say again that I would not like to be a Jew in Germany."

Goering: That was correct, yes.

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MR. JUSTICE JACKSON: Were you joking about that too?

Goering: I have told you exactly what led to the fine of 1,000,000,000.

MR. JUSTICE JACKSON: You pointed out that the chauffeurs of Gauleiter must be prevented from enriching themselves through the Aryanization of Jewish property, right?

Goering: Yes.

MR. JUSTICE JACKSON: We will now take up the subject of art.

I call your attention to Document 141-PS, Exhibit Number USA-308. That is the decree establishing priorities on the claim for Jewish art property. Do you recall that?

Goering: That has been mentioned several times, and I have recently spoken about it in detail.

MR. JUSTICE JACKSON: The order was issued as here stated, was it not?

Goering: Yes, certainly; I emphasized that.

MR. JUSTICE JACKSON: In Paragraph 5 reference is made to art objects that are suitable to be given to French museums, and which were to be sold by auction. The profit from this auction was to be given to the French State for the benefit of war widows and children. You say that this was never done?

Goering: I did not say that this never happened. That was my intention in that decree.

MR. JUSTICE JACKSON: Well, I am asking you if it ever has been done.

Goering: As far as Paragraph 5 is concerned, I cannot say. I can only refer to the payments mentioned in Paragraph 2 -- the things that I pointed out -- which I had had effected after an estimate, and I said the other day that this amount was kept in readiness and that I repeatedly asked into which account it should be paid. And among the objects destined to go into the collection which I was to make, I had every single item valued.

MR. JUSTICE JACKSON: Where was this amount kept?

Goering: In my bank, under the name "Art Funds."

MR. JUSTICE JACKSON: In what bank?

Goering: It was -- I cannot say for sure, there were several banks -- in which bank exactly the art fund was deposited, I cannot say. I would have to have the documents here for that.

MR. JUSTICE JACKSON: In the several interrogations you have never been able to point out where that fund is, have you?

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Goering: I cannot say, but you would only have to question my secretary who kept account of all the funds; she can tell you quite accurately.

MR. JUSTICE JACKSON: This order, 141-PS, was carried out by the Rosenberg Special Staff (Einsatzstab), wasn't it?

Goering: Yes.

MR. JUSTICE JACKSON: Did you know who carried it out, who actually was there? Did you know Turner?

Goering: I did not understand the name.

MR. JUSTICE JACKSON: Did you know Mr. Turner?

Goering: I know a certain Turner, who, however, had nothing to do with the Einsatzstab, the Rosenberg Special Staff and who, as far as I know, was in Yugoslavia.

MR. JUSTICE JACKSON: Wasn't State Counsellor Turner in Paris in connection with the art collections?

Goering: I repeat again so that no error is possible, you said Turner, T-u-r-n-e-r, or Korner, K-o-r-n-e-r?

MR. JUSTICE JACKSON: Turner.

Goering: Korner?

MR. JUSTICE JACKSON: T-u-r-n-e-r.

Goering: Turner -- I do not know whether he had anything to do with Rosenberg's Einsatzstab.

MR. JUSTICE JACKSON: But you knew him, did you not?

Goering: Yes.

MR. JUSTICE JACKSON: And did you know a Dr. Bunjes?

Goering: Bunjes, B-u-n-j-e-s, yes.

MR. JUSTICE JACKSON: You knew him?

Goering: Yes.

MR. JUSTICE JACKSON: He had to do with captured or confiscated Jewish art treasures, did he not?

Goering: I do not believe that Dr. Bunjes had anything to do with that. He was competent in a different field of art; but the Einsatzstab Rosenberg and certain departments of the military administration, had something to do with it.

MR. JUSTICE JACKSON: I will ask to have you shown, so that you can follow me, to refresh your memory, Document 2523-PS, Exhibit Number USA-783, a letter from Dr. Bunjes, and ask you if this refreshes your recollection of certain events.

"On Tuesday, 4 February 1941, at 1830 hours I was ordered for the first time to report to the Reich Marshal at the Quai

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d'Orsay. Field Commander Von Behr of the Einsatzstab Rosenberg was present. It is, of course, difficult to describe in words the cordial atmosphere in which the conversation was held."

Do you recall such a meeting?

Goering: No, it was not important enough for me to remember it, but I do not deny it, in any case.

MR. JUSTICE JACKSON: We shall see if this refreshes your recollection:

"The Reich Marshal dropped the subject for the time being and asked for the report of the present state of the seizure of Jewish art property in the occupied western territories. On this occasion he gave Herr Von Behr the photographs of those objects of art that the Fuehrer wants to bring into his possession. In addition, he gave Herr Von Behr the photographs of those objects of art that the Reich Marshal wants to acquire for himself."

Goering: I cannot follow here.

MR. JUSTICE JACKSON: You mean you do not find these words, or you do not recall the events?

Goering: No, I have not found the passage yet, and I would like to have a little time to see the context of this letter, which was neither written by me nor addressed to me.

MR. JUSTICE JACKSON: Let me call your attention to a further paragraph of it and see if it does not refresh your recollection:

"On Wednesday, 5 February 1941, I was ordered to the Jeu de Paume by the Reich Marshal. At 1500 o'clock, the Reich Marshal, accompanied by General Hanesse, Herr Angerer, and Herr Hofer, visited the exhibition of Jewish art treasures newly set up there."

Goering: Yes, I have already stated before that at Jeu de Paume I selected the art treasures which were exhibited there. That is right.

MR. JUSTICE JACKSON: That is right; now we are getting there.

"Then, with me as his guide, the Reich Marshal inspected the exhibited art treasures and made a selection of those works of art which were to go to the Fuehrer, and those which were to be placed in his own collection.

"During this confidential conversation, I again called the Reich Marshal's attention to the fact that a note of protest had been received from the French Government against the

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activity of the Einsatzstab Rosenberg, with reference to the Hague Rules on Land Warfare recognized by Germany at the Armistice of Compiegne and I pointed out that General Von Stulpnagel's interpretation of the manner in which the confiscated Jewish art treasures are to be treated, was apparently contrary to the Reich Marshal's interpretation. Thereupon, the Reich Marshal asked for a detailed explanation and gave the following orders:

"First, it is my orders that you have to follow. You will act directly according to my orders. The art objects collected in the Jeu de Paume are to be loaded on a special train immediately and taken to Germany by order of the Reich Marshal. These art objects which are to go into the Fuehrer's possession, and those art objects which the Reich Marshal claims for himself, will be loaded on two railroad cars which will be attached to the Reich Marshal's special train, and upon his departure for Germany, at the beginning of next week, will be taken along to Berlin. FeldFuehrer Von Behr will accompany the Reich Marshal in his special train on the journey to Berlin."

"When I made the objection that the jurists would probably be of a different opinion and that protests would most likely be made by the military commander in France, the Reich Marshal answered, saying verbatim as follows, 'Dear Bunjes, let me worry about that; I am the highest jurist in the State.'

"The Reich Marshal promised to send from his headquarters by courier to the Chief of the Military Administrative District of Paris on Thursday, 6 February, the written order for the transfer to Germany of the confiscated Jewish art treasures."

Now, does that refresh your memory?

Goering: Not in the least, but it is not at all in contradiction to what I have said with respect to the art treasures, with the exception of one sentence. It is pure nonsense that I should have said that I was the highest jurist in the state because that, thank God, I was not. That is something which Mr. Bunjes said, and I cannot be held responsible for every statement which anyone may have made to somebody else without my having any possibility of correcting it. As for the rest, it corresponds to the statement I made recently.

MR. JUSTICE JACKSON: Now, the art objects then were loaded on cars and shipped to Berlin, were they not?

Goering: A part of them, yes.

MR. JUSTICE JACKSON: I now call your attention to, and ask to have you shown, Document 014-PS, Exhibit Number USA-784.

Now, I ask you to refresh your recollection by following this report to the Fuehrer with me, and tell me if this conforms with your testimony:

"I report the arrival..."

Goering: I would like to point out that this report did not come from me.

MR. JUSTICE JACKSON: I understand that. I am asking if it is right or wrong.

"I report the arrival of the principal shipment of ownerless Jewish treasures of art at the salvage point Neuschwanstein by special train on Saturday the 15th of this month. It was secured by my Einsatzstab, in Paris. The special train, arranged for by Reich Marshal Hermann Goering, comprised 25 express baggage cars filled with the most valuable paintings, furniture, Gobelin tapestries, works of artistic craftsmanship, and ornaments. The shipment consisted mainly of the most important parts of the collections of Rothschild, Seligmann" -- and half a dozen others.

Have you found that and is it correct?

Goering: I do not know whether this is correct, since the report did not come from me. The only thing which I can remember is that I was asked by the Einsatzstab to see to it that a sufficient number of special cars, box cars was put at their disposal to ship the art treasures, since Jeu de Paume was not a safe place in case of air attacks. Neuschwanstein lies south of Munich. This concerns the objects destined for the Fuehrer.

I should like, however, to refer to the next sentence of this document, which was not written by me. It goes as follows:

"The confiscation actions of my Einsatzstab were begun in October 1940 in Paris according to your order, my Fuehrer."

That coincides with what I have said in my previous statements.

MR. JUSTICE JACKSON: And would you care to read further?

Goering: You mean where it says:

"Besides this special train, the main art objects selected by the Reich Marshal -- mainly from the Rothschild collection -- had previously been shipped in two special cars to Munich and were there put into the air raid shelter of the Fuehrerhaus."

They are those most precious works of art which I had designated for the Fuehrer, and which were to be sent, at the wish of the Fuehrer, to the air raid shelter. This had nothing to do directly with my affairs, but I did not dispute the fact, and I have explained it in detail.

MR. JUSTICE JACKSON: When you were examined by the American Foreign Assets Commission, you estimated your art objects as having a value, at the time you turned them over to the government, of 50 million Reichsmark, as I recall it. Am I right?

Goering: That is not quite correct. The Commission insisted on a valuation, and the discussion continued a long time backwards and forward. I expressly told the Commission that I could not assess the value because I did not have the objects in hand nor a list of them, and I could not quote them from memory; furthermore, that the estimates were subject to fluctuation depending on the one hand upon the prices art lovers might pay and, on the other, upon the actual market value. Since I did not see a copy of the minutes, in spite of my pleas, and especially as minutes of this nature often give rise to misunderstandings, I can only acknowledge the records which I have signed.

MR. JUSTICE JACKSON: Well, do you question this fact? "When I gave the news to the Minister of Finance I estimated the value at that time at 50 million marks." Did you say that or did you not?

Goering: I cannot estimate the value. I only told the Finance Minister that the entire collection, including my own, would be turned over to the State. And since I know my passion for collecting, I thought that it was quite possible that something might suddenly happen to me, and that as I had put my entire fortune into these works of art, the entire collection might possibly become State, that is, public property, and my family would thus be deprived of every means of subsistence. I therefore asked him to provide for a pension or some compensation for my family. That was the negotiation with the Finance Minister, to which he can testify.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

Goering: I did not understand the question.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

Goering: That I could not say in detail -- quite a number of pictures and statues.

MR. JUSTICE JACKSON: Now, you have claimed that some part of your art collection you bought?

Goering: Certainly.

MR. JUSTICE JACKSON: And in connection with that some inquiry was made into your financial transactions, was there not?

Goering: I do not know who made the inquiries.

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MR. JUSTICE JACKSON: Well, you were asked, were you not, about your receipt of 7,276,000 Reichsmark from the Reemtsma cigarette factory?

Goering: No, I was never asked about that.

MR. JUSTICE JACKSON: You were never asked about it?

Goering: No, neither about the amount nor about the cigarette factory, nor anything else.

MR. JUSTICE JACKSON: Let me refresh your recollection about that. Did you not tell them and did you not tell Colonel Amen in interrogations that this money was given to you by this cigarette factory and that their back taxes were canceled?

Goering: No, I even denied that their back taxes were ever canceled. I remember now that the question was put to me in a different connection. A sum of money was set aside for the so-called Adolf Hitler Fund, and this amount the Fuehrer put at my disposal for general cultural tasks.

MR. JUSTICE JACKSON: By the cigarette factory?

Goering: Not by the cigarette factory; a number of business men subscribed to the Adolf Hitler Fund, and Mr. Reemtsma gave me this sum from the fund in the course of the years, after agreement with the Fuehrer. A part of it was allotted to the State theaters, another part for building up art collections, and other cultural expenditure.

MR. JUSTICE JACKSON: Now, you were interrogated on the 22d day of December 1945 by the External Assets Branch of the United States Investigation of Cartels and External Assets, were you not?

Goering: May I first say explicitly that I had been asked whether I would be ready to make any statements about it, and was told that these statements would in no way be connected with this Trial. Therefore the presence of my defense counsel would not be necessary. This was expressly told me, and was repeated to me by the prison authorities, and before the interrogation it was again confirmed to me that these statements should in no way be brought in in connection with this Trial. However, that is all the same to me. You may produce them as far as I am concerned. But because of the method employed, I desire to have this made known here.

DR. STAHLER: I protest against the use of the statements for the reason that has just been given by the witness. I myself sometime ago -- I think it was around Christmas -- was asked by, I believe, members of the United States Treasury whether they could interrogate the Defendant Goering on questions of property, adding

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expressly that I did not have to be present at the interrogation because this had nothing to do with the Trial, and would not be used for it.

MR. JUSTICE JACKSON: I am not able either to affirm or deny, and therefore I will not pursue this subject further at this time. I do not believe that any stipulation was made that these facts should not be gone into. I was not informed of it, and if there has been, of course, it would be absurd.

*[Turning to the witness.]* Now, you were asked about receiving some art objects from Monte Cassino.

Goering: Yes.

MR. JUSTICE JACKSON: I ask you if it is not the fact that an altar statue taken from the Cassino Abbey was brought and delivered to you, and that you expressed great appreciation for it.

Goering: I am glad to be able to clarify this affair also. After the monastery of Monte Cassino had been completely destroyed by shelling and had been defended by a paratroop division, a delegation arrived one day bringing along a statue of some saint, entirely worthless from an artistic point of view, as a souvenir of this destroyed monastery. I thanked the men and showed the statue to the curator of my art collection, and he also considered the statue as of absolutely no value. It then remained in the box and was put away somewhere. The other ...

THE PRESIDENT: I do not think this is coming through sufficiently loud for the shorthand writers to hear.

Goering: The rest of the art treasures from Monte Cassino, according to my knowledge, were shipped in the following manner: A large part, especially those objects which belonged to the old monastery itself, was sent to the Vatican. I must assume this from the fact that the abbot of the monastery sent me and my division a letter written in Latin in which he expressed his extreme gratitude for this action.

Secondly, as far as I remember, the art treasures from the museum in Naples, which were at Monte Cassino, were for the greater part sent by us to Venice and there turned over to the Italian Government. Some pictures and statues were brought to Berlin, and there they were turned over to me. On the very same day I gave the list to the Fuehrer, and some time later also the objects themselves which were in my air raid shelter, so that he could negotiate about the matter with Mussolini. I did not keep a single one of these objects for my own collection. If my troops had not intervened, these priceless art treasures, which were stored in Monte Cassino and belonged to the monastery there, would have been

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entirely destroyed by enemy bombardment, that is to say, by the British-American attackers. Thus they have been saved.

MR. JUSTICE JACKSON: Now, you say of no value -- no substantial value?

Goering: That is even now my conviction, and I depended, above all, on the judgment of my experts. I never took this statue out of its packing case. It did not interest me. On the other hand, I wanted to say a few words of thanks to the men who brought it.

MR. JUSTICE JACKSON: The labor shortage in the Reich was becoming acute by November of 1941, was it not?

Goering: That is correct.

MR. JUSTICE JACKSON: And you yourself gave the directives for the employment of Russian prisoners of war, did you not?

Goering: Employment for what?

MR. JUSTICE JACKSON: For war industry -- tanks, artillery pieces, airplane parts.

Goering: That is correct.

MR. JUSTICE JACKSON: That was at the conference of the 7th of November 1941, that you gave that order, was it not?

Goering: At what conference that was I could not tell you; I issued these directives only in a general way.

MR. JUSTICE JACKSON: And the directive was that Russian prisoners of war should be selected in collecting camps beyond the Reich border, and should be transported as rapidly as possible and employed in the following order of priority: mining, railroad maintenance, war industry -- tanks, artillery pieces, airplane parts, agriculture, building industry, *et cetera*. You gave that order, did you not?

Goering: If I have signed it, the order is from me. I do not remember details.

THE PRESIDENT: What was the number of that, Mr. Jackson?

MR. JUSTICE JACKSON: I ask to have you shown Document Number 1193-PS.

Goering: I have not seen it yet.

*[Document 1193-PS was submitted to the witness.]*

This document, which you have just mentioned ...

MR. JUSTICE JACKSON: I did not get the answer.

Goering: Excuse me. I have just received a document about the use of Russian troops. Is that the document of which you speak?

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MR. JUSTICE JACKSON: That is right. I call your attention to the fact that it is referred to as an annex in the letter signed by Goering.

Goering: I want to point out that this document is not signed by me, but by Korner, which, however, does not diminish my responsibility.

MR. JUSTICE JACKSON: Well, you do not question that on the 7th day of November 1941, you gave the order, as Korner reports it, do you, in the document referred to as 1193-PS?

Goering: I said only that it was not signed by me but by Korner, and here even a still younger official, a Regierungsrat, and I wanted only to explain that this was my field and that therefore I assume responsibility. But I have not read it through yet. This deals with directives and outlines which I gave in general and which were then filled in and revised by the department concerned, whereby naturally not every word or every sentence written here was said or dictated by myself. But that does not alter the fact that I bear the responsibility for it, even if I did not know it in detail, or would have perhaps formulated it differently. But the general directives were given by me and implemented accordingly by the lesser authorities.

MR. JUSTICE JACKSON: You also gave the order, did you not, that 100,000 men were to be taken from among the French prisoners of war not yet employed in armament industry? Gaps in manpower resulting therefrom will be filled by Soviet prisoners of war. The transfer of the above-named French prisoners of war is to be accomplished by October the 1st. You gave the order, did you not?

Goering: That is correct. Here we deal primarily with the fact that a large part of French skilled workers who were prisoners of war were turned into free workers on condition that they worked in the German armament industry. The shortages which occurred at their previous places of work at that time, where they had worked as prisoners of war, were to be remedied by Russian prisoners of war, because I considered it pointless that qualified skilled industrial workers should be employed in agriculture, for instance, or in any other field not corresponding to their abilities. Thus there was an incentive in the fact that these people could become free workers instead of remaining prisoners of war, if they would agree to these conditions. The directives were given by me.

MR. JUSTICE JACKSON: And did you know that there was any forced labor employed in Germany?

Goering: Compulsory labor.

MR. JUSTICE JACKSON: Did you not testify under interiygation on the 3rd of October 1945, that:

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"I would like to add something to the last question of the interrogation. The Colonel asked me if the forced labor program was effective, and I said 'Yes'. There are two remarks I would like to make to that.

"All right.

"I must say that in the results as such it was effective. However, a great number of acts of sabotage did occur, and also treason and espionage.

"Question: But on the whole you would say it was a successful program from the German point of view?

"Answer: Yes. Without this manpower many things could never have been achieved."

Did you say that?

Goering: That is obvious, because without workers one cannot do any work.

THE PRESIDENT: I do not think you answered the question. The question was if you said the forced labor had been a succes. What do you have to say to that? Did you say that?

Goering: I have said what I did in answering the question whether the manpower used was successful; yes, that is correct.

MR. JUSTICE JACKSON: Now, you were shown a document, 3700-PS, written by Schacht to you, and you have said that you received it?

Goering: Yes, I remember.

MR. JUSTICE JACKSON: Now, you and Schacht were somewhat rivals in the economic field at one period, were you not?

Goering: I explained that only recently, and to what extent.

MR. JUSTICE JACKSON: You wanted his position abolished in the event of war and he wanted your position abolished in event of war, did he not -- your economic position?

Goering: Not quite. They were two similar authorities having similar powers at the same time, two personalities, and that in the long run was not possible. It simply had to be decided which one of the two should be the sole authority. That would have been especially necessary in case of a mobilization.

MR. JUSTICE JACKSON: You, in testifying on the 17th day of October last, as to your relations with Schacht, made this statement, did you not, in reference to your disagreements with Schacht: "This I must underline: Schacht always tried to maneuver for a new post, while all the other ministers co-operated absolutely." Did you say that?

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Goering: Not exactly as it is there, but I wanted to emphasize that, contrary to the other ministers who obediently followed my directives for the Four Year Plan, I had certain difficulties with Schacht, which I have already explained, due to his original and strong personality.

MR. JUSTICE JACKSON: The question was whether you made that statement in substance or in those words?

Goering: Not exactly in these words, but as I have just explained, in substance.

MR. JUSTICE JACKSON: Now, do you have in mind Schacht's letter to you, Document Number 3700-PS?

Goering: Yes, I read it a short time ago.

MR. JUSTICE JACKSON: And in that letter Schacht said this to you, did he not, referring to 3700-PS? "It may be militarily necessary . . ." Do you want to follow it?

*[Document 3700-PS was submitted to the witness.]*

"It may be militarily necessary to conscript the 15-year-olds, but it will heavily tax the fighting morale of the German people. The facts as the German people see them are as follows:

"First, the original prospect of a short war has not been realized.

"Second, the prospective quick victory over England by the Air Force did not materialize.

"Third, the public statement that Germany would remain free of enemy air raids has not been fulfilled.

"Fourth, the repeated announcements that the Russian resistance was definitely broken have been proved to be untrue.

"Fifth, Allied supplies of arms to Russia, and the manpower reserves of Russia have, on the contrary, been sufficient to bring continuous heavy counterattacks against our Eastern Front.

"Sixth, the original victorious advance into Egypt has been halted after repeated attempts.

"Seventh, the landing of the Allies in North and West Africa, declared impossible, has nevertheless been accomplished.

"Eighth, the extremely large amount of shipping space which was required for this landing has shown that our U-boats, in spite of their great successes, did not suffice to prevent this transport. In addition, the reductions in civilian traffic, in material for armaments, and in the availability of manpower are obvious to all the people.

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The conscription of the 15-year-olds will increase the doubts concerning the termination of this war."

Can you fix any more definitely than you have done the date when you received that letter?

Goering: I can only say again that it is dated the 3rd of November, but the year is missing. If I were to be given a copy where the year is stated, I could give an exact answer. I have said recently that, according to my knowledge of events, it is a question of either November 1944 or November 1943. But, unfortunately, that is not indicated here. I can only see 3rd of November. The year is missing.

MR. JUSTICE JACKSON: Do you know when Schacht was sent to the concentration camp? Do you know the date of that?

Goering: Not exactly, but now that you remind me of it, I can say that this letter certainly was not written in 1944 because in November 1944, I believe, Mr. Schacht was already in the concentration camp; consequently, it must date back to November 1943.

MR. JUSTICE JACKSON: And he was sent to the concentration camp shortly after dispatching that letter to you, wasn't he?

Goering: No, that is not correct.

MR. JUSTICE JACKSON: How much longer was he at large?

Goering: The letter is of 3 November 1943, as we have just found. I heard about the arrest of Schacht only after the attempt on the life of the Fuehrer and after my return a few days later, after an illness of some time, that is to say, in September 1944. There is not the least connection between this letter and his arrest, because, when I asked about his arrest, I was told definitely it was in connection with the 20th of July.

MR. JUSTICE JACKSON: Did you make an agreement, as Supreme Commander of the Air Force, with the ReichsFuehrer SS, the Youth Fuehrer of the German Reich, and the Reich Minister for Occupied Eastern Territories, about the recruiting of youthful Russians, Ukrainians, White Russians, Lithuanians, and Tartars between the ages of 15 and 20? Did you come to some agreement with Himmler and Rosenberg about that?

Goering: That I personally concluded such an agreement, I do not think so. It is possible and even probable that my office did so, however.

MR. JUSTICE JACKSON: And you have testified yesterday or the day before -- I think Friday -- as follows; let me refresh your recollection about the questions of confiscations.

"Now, about the question of confiscation of State property and it was only such property that was confiscated. As far as

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I know, private property is mentioned in the official report as far as the winter of 1941 and 1942 is concerned, that might have been the case in the matter of furs or perhaps fur boots, and some soldiers may have taken little odds and ends from the people; but on the whole there was no private property and so none could be confiscated."

And I think you also said that you never took anything, not even so much as a screw or a bolt, when you were in occupation of foreign territory. Do you recall that testimony?

Goering: Very exactly.

MR. JUSTICE JACKSON: Do you still stand on it?

Goering: Of course.

MR. JUSTICE JACKSON: I ask to have you shown a Document EC-317.

Goering: Yes.

MR. JUSTICE JACKSON: Now, that is a secret command matter, is it not, dated the 7th of September 1943? Is that right?

Goering: I have a letter here before me of 21 February 1944.

MR. JUSTICE JACKSON: Then you have the wrong exhibit -- EC-317, Page 3.

Goering: Yes; Page 3.

MR. JUSTICE JACKSON: This letter of transmittal we will not bother about. Your secret command matter is dated 7 September 1943, is it not?

Goering: That is correct.

MR. JUSTICE JACKSON: And it reads as follows:

"Concerning the removal of the harvested crops and the destruction of the means of production in the agricultural and food economy in parts of the Occupied Eastern Territories.

"By direction of the Fuehrer, I give the following orders:

"First: In the territories east of the line fixed by the highest military command, the following measures are to be taken gradually, according to the military situation at the time. The measures are to be determined by the commanders of the army groups:

"(1) All agricultural products, means of production, and machinery of enterprises serving the agriculture and food industry are to be removed.

"(2) The factories serving the food economy, both in the field of production and of processing, are to be destroyed.

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"(3) The basis of agricultural production, especially the records and establishments, storage plants, *et cetera*, of the organizations responsible for the food economy, are to be destroyed.

"(4) The population engaged in the agricultural and food economy is to be transported into the territory west of the fixed line."

Right?

Goering: Absolutely correct; but I want to make the following statement in connection with it. We are dealing here with purely military measures in a retreat, and may I comment on these four points: I emphasized the other day that a great number of agricultural machines had been brought to Russia by us. As the Russians, in their retreat, destroyed everything, we had all the less military reason to allow the machinery of industries which we had set up and brought there to fall into their hands undestroyed. This concerns an urgently necessary military order which had been issued during a retreat, and which was executed in the same way as before in the reverse sense. It does not deal with any sort of private property.

MR. JUSTICE JACKSON: And it was signed by you?

Goering: Yes, this order bears my signature.

MR. JUSTICE JACKSON: I am about to go into a different subject, may it please Your Honor.

THE PRESIDENT: Yes, we will adjourn now.

*[A recess was taken.]*

MR. JUSTICE JACKSON: I will ask that the witness be shown a document, 3786-PS, of which there are no extra copies available because it came to us so late. I will ask you to examine that and tell me whether you recall the meeting to which these minutes refer?

Goering: We are apparently concerned here with a report dealing with a meeting which took place daily with the Fuehrer. As meetings occurred once or twice daily, I naturally cannot, with any accuracy, without first having read the report, recall the report of 27 January 1945, for I was present at a great number of these meetings during the course of the war.

MR. JUSTICE JACKSON: I shall call your attention to specific incidents in it. The minutes indicate that the Fuehrer, yourself, Keitel, and Jodl were present, were they not?

Goering: That is according to the notes.

MR. JUSTICE JACKSON: And I will call your attention to Page 31 and ask you to follow with me the notes and see if it

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refreshes your recollection. Now this relates to 10,000 imprisoned air force officers. I quote what is attributed to you.

"Goering: Near Sagan, there are 10,000 imprisoned air force officers. Their custody is the responsibility of the Commander-in-Chief of the Reserve Army (B.d.E.). Personnel for guarding or transporting them is said to be lacking. The suggestion was made as to whether the prisoners should not be left to their Soviet Russian allies. It would give them 10,000 airmen.

"The Fuehrer: Why did you not remove them earlier? This is an unequaled bungling.

"Goering: That is the business of the commander of the B.d.E. We have nothing to do with it. I can only report it.

"The Fuehrer: They must be removed, even if they have to go on foot. The Volkssturm must be called in. Anyone who escapes will be shot. Any means must be used.

"Goering: That is from Sagan, there are 10,000 men.

"Guderian: In the transfer process the 4th Armored Division has been moved out completely, also the 227th Division; the remainder of the 32d Division is now moving out. The next in line is the Headquarters of the 3rd SS Panzer Corps which will move tonight,

and tomorrow night the Division Niederland, which has already pulled out. Parts of the Division Nordland have also been withdrawn from the front.

"The Fuehrer: Are they to get replacements? Are they already on the move?

"Guderian: Fegelein took care of that. He has already ordered that they should be replenished immediately.

"The Fuehrer: It is absolutely clear that the Army Group Vistula has nothing, for the time being, besides the Corps Nehring, the one group, and what it has on the Vistula. This must be organized. It will come from here and partly from Germany. It must be done, notwithstanding.

"Goering: How many cattle cars are needed for 10,000 men?

"The Fuehrer: If we transport them according to German standards, then we need at least 20 transport trains for 10,000 men. If we transport them according to Russian standards, we need 5 or 3.

"Goering: Take their pants and boots off so that they cannot walk in the snow."

Do you recall that incident?

Goering: I remember this incident but vaguely.

Now that I have given the answer I would like to give a short explanation of the value of this document.

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I understood that this document has just now arrived, but I have already been interrogated with respect to this document long before the beginning of the proceedings. Already at that time I pointed out that at the stenographic recording of a meeting two stenographers took notes at the same time, since the meetings often lasted 4 or 5 hours, and therefore these stenographic notes always had to be gone over afterwards, especially as frequently, because of the presence of many men, inaccuracies occurred in the recordings so that statements made by one person were credited to another in the minutes. For that reason I said at that time already that not only did I not remember this statement, but that in my opinion I have never made this statement. We were concerned solely with the preparation of motor vehicles for transport.

MR. JUSTICE JACKSON: Well, I must say that you were interrogated with reference to the incident, but not with reference to these notes which were not transcribed.

Goering: In respect to this transcript and this incident, it was especially emphasized that we were concerned with the stenotype record of the report of the meeting, and I already uttered a similar opinion at that time. It was not submitted to me at that time.

MR. JUSTICE JACKSON: Not stenotype, but stenographic.

You are also reported on Page 35. I call your attention to this and ask you, is it attributed to you mistakenly?

"Goering: The 10,000 prisoners in Sagan should be transported away by ObergruppenFuehrer Rittner." Perhaps I do not pronounce the word as you would.

"The Fuehrer: These prisoners must be removed by all available means. Volkssturm must be employed with the most energetic men. All who attempt to flee will be shot.

"Fegelein: We have a man for that who guards the concentration camps. That is GruppenFuehrer Glucks. He must do the job."

Did that occur?

Goering: That I do not know. I have already testified before that the B.d.E. had to take charge of the transportation, because we had nothing to do with it. What ideas and opinions the other gentlemen expressed in the discussions I cannot completely testify to, or state here. It was a question of whether these 10,000 were to be surrendered or shipped away.

MR. JUSTICE JACKSON: I will ask you a question or two about the Warsaw bombing. Was it known to you that on the 3rd of September, the house of the Ambassador of the United States,

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situated some 17 kilometers out of Warsaw, was bombed by the German Air Force?

Goering: No; that is unknown to me.

MR. JUSTICE JACKSON: Your Air Force took a good many pictures of the Polish villages and of Warsaw and used them for distributing among the German people, didn't they?

Goering: That is possible, I was not concerned with that. In any event, the Luftwaffe did not distribute pictures to the German people. It is possible that pictures taken by the Luftwaffe might have got into the German press by way of the Propaganda Ministry. But distribution, in the sense of the Luftwaffe's distributing photographs like leaflets, never occurred.

MR. JUSTICE JACKSON: The Luftwaffe did take the pictures for the purpose of determining the efficiency of its hits, did it not?

Goering: The Luftwaffe took pictures before the target was bombed, and again after the target had been bombed, to determine whether the target had actually been hit.

MR. JUSTICE JACKSON: I ask to have you shown five photographs and ask you if those are not photographs taken by the Luftwaffe, following the attack on Poland.

*[Photographs were shown to the witness.]*

Goering: To answer the first question, whether the pictures had actually been taken by the German Air Force, I regret I cannot give a positive answer for there is no indication that these were made by the German Air Force. Four out of the five pictures were, if you observe them closely, taken from an oblique angle, as though they had been taken from a church steeple rather than from an airplane, from which generally only vertical pictures are taken because of the built-in camera.

The picture showing the destruction of parts of Warsaw can be regarded technically as such an aerial photo. The date is lacking here. But none of these pictures give any proof that they were taken by the Luftwaffe.

However, let us assume that they were taken by the Luftwaffe, so that further questions will be facilitated.

MR. JUSTICE JACKSON: You say you will assume they were by the Luftwaffe?

Goering: Yes, although I doubt it.

MR. JUSTICE JACKSON: I do not want you to give away anything here. If you think they were not taken by the Luftwaffe, I do not want you to admit it.

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Goering: I said there is no proof. I did not take the pictures, I do not recognize them, they were not submitted to me as Luftwaffe pictures and from a purely technical point of view they could only have been taken from a plane with a private camera from a very oblique angle. They are not true aerial pictures, that is vertical pictures as taken by the Air Force.

MR. JUSTICE JACKSON: Well, we will pass them then and go to something else.

Let us take up Document 638-PS, Exhibit Number USA-788, about which you have been interrogated and which, as I recall, you authenticated.

*[Document 638-PS was submitted to the witness.]*

This is the document which was signed by Dr. Joel and I ask you to follow me.

"From the Reich Marshal's plans of 24 September 1942.

"First: The Reich Marshal is looking for daring fellows who will be employed in the East as Sonderkommandos and who will be able to carry out the task of creating confusion behind the lines. They are to be formed into bands under leadership, and with interpreters assigned to them. For this purpose the Reich Marshal is considering convicts who are first offenders,

who have committed not particularly heinous offenses for which there can be some human understanding.

"The Reich Marshal first of all mentioned persons convicted of poaching. He knew, of course, that the ReichsFuehrer SS had picked out the so-called poachers, and they were already in his hands. He requests, however, that the question be reexamined. The only suitable men are those with a passion for hunting, who have poached for love of the trophy, not men who have laid snares and traps. The Reich Marshal also mentioned fanatical members of smuggling gangs, who take part in gun battles on the frontiers and whose passion it is to outwit the customs at the risk of their own lives, but not men who attempt to bring articles over the frontier in an express train or by similar means.

"The Reich Marshal leaves it to us to consider whether still another category of convicts can be assigned to these bands or pursuit commands.

"In the regions assigned for their operations, these bands, whose first task should be to destroy the communications of the partisan groups, could murder, burn and ravish; in Germany they would once again come under strict supervision.

"Signed: Dr. Joel, 24 September 1942."

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Do you wish to make an explanation of that document to the Tribunal?

Goering: Yes, with the same that I made once before. The first two paragraphs clearly show that I wanted only those people who had committed no offenses involving laws of honor, such as poachers, distinguishing between those having a passion for hunting and those who only want to steal. I made a distinction also with regard to smugglers, between those who take personal risks showing a certain passion for their activity, and those who do it in a dishonorable way.

Both these main paragraphs plainly show that I did not wish to use criminals of any type, and that is why I explicitly denied having said what is stated in the last paragraphs. It is not a question of the minutes but of the notes taken by an official with whom I discussed these things. He should be able to testify where and if he heard these words uttered by me. But they contradict my ideas so much, and I particularly emphasize this, and in particular, as I have clearly said, as regards rape, which I always punished with death even if committed against citizens of enemy states, that I rejected that statement; and I again pointed out that the main paragraphs are in utmost contradiction to the last remark, because if it had been a matter of indifference to me, I could have selected criminals.

Thirdly, I expressly stated above, that their main task behind the lines was to create confusion, to disrupt communications, to destroy railways, and the like. Fourthly and lastly, the whole thing never took place.

MR. JUSTICE JACKSON: You objected to the word "ravish" which had been translated the first time "rape", and that is the only objection you made to this document when it was presented to you. Is that not correct?

Goering: No, it is not correct that way. I say this because it is a most significant concept which has always particularly contradicted my sense of justice, for shortly after the seizure of power I instigated a sharpening of this phase of German penal laws. And I wanted to show by this word and this concept, that this entire latter part could not have been uttered by me, and I deny having said it. I will absolutely and gladly take responsibility for even the most serious things which I have done, but I deny this statement, as being in complete contradiction to my opinions.

MR. JUSTICE JACKSON: Who is the signer of this document?

Goering: Dr. Joel.

MR. JUSTICE JACKSON: Yes -- you knew him?

Goering: I knew him slightly. I saw him at this conference.

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MR. JUSTICE JACKSON: He was present at the conference?

Goering: I instructed him to come to tell him that I wished that type of people.

MR. JUSTICE JACKSON: Now, you dealt in economic matters with the various occupied countries through Reichskommissars?

Goering: I testified the other day that all sorts of authorities, including the Reichskommissars had to follow my economic directives and orders.

MR. JUSTICE JACKSON: And were to report to you on economic matters?

Goering: Not about all of them, only insofar as they concerned my directives.

MR. JUSTICE JACKSON: And who was your Reichskommissar in Poland?

Goering: There was no Reichskommissar, in Poland. There was a Governor General in Poland, that was Dr. Frank.

MR. JUSTICE JACKSON: And who was the Reichskommissar in the Netherlands?

Goering: Dr. Seyss-Inquart was Reichskommissar for Holland.

MR. JUSTICE JACKSON: Who was the Reichskommissar for Norway?

Goering: In Norway the Gauleiter Terboven was Reichskommissar.

MR. JUSTICE JACKSON: Terboven -- he was also a Gauleiter you say?

Goering: He was Gauleiter at Essen.

MR. JUSTICE JACKSON: You appointed him to Norway or attained his appointment?

Goering: I neither appointed him for Norway -- because that was beyond my jurisdiction -- nor did I have him appointed. I did not oppose his appointment in any way as I considered he would make a very competent Reichskommissar.

MR. JUSTICE JACKSON: And he was there from 1940 until 1945?

Goering: I believe that is correct.

MR. JUSTICE JACKSON: Now, I will ask to have you shown Document R-134, a communication from Terboven to you.

*[Document R-134 was submitted to the witness.]*

That is a communication of the 1st of May 1942, is it not?

Goering: I note the date; yes.

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MR. JUSTICE JACKSON: And that reports to you as follows, does it not -- it is addressed to you as Reich Marshal, "My esteemed Reich Marshal", is that right?

Goering: Yes.

MR. JUSTICE JACKSON: Omitting the first paragraph, unless you are to give it.

"Several days ago on an island west of Bergen we captured a Norwegian sabotage unit, trained by the Secret Service, and found extensive stores of sabotage instruments, some of them of a new kind, including probably poison and bacteria. Those which appeared unfamiliar were forwarded to the Reich Security Main Office for closer examination.

"Besides other tasks, this sabotage unit was to begin its sabotage work, on Sola and Herdla using the explosive of which a sample is enclosed herewith. This appears from written directives found. Since it must be assumed that similar actions are under way on airfields on the rest of the European coast, and assuming that a means of sabotage actually unknown until now is involved, I am communicating with you by the fastest possible means, in order to give you an opportunity to issue an appropriate warning.

"Unfortunately, two especially reliable officers of the Security Police were killed in the fight against the sabotage unit. We buried them this morning at 1000 hours in the Heroes' Cemetery in Bergen.

"On the same day and at the same hour 18 Norwegians were shot on my order. These had been captured some time previously in the attempt to go to England illegally.

"On the same day, the entire village which had harbored the sabotage unit was burned down and the population deported. All the males were taken to a German concentration

camp without any notification being sent to their families. The women were sent to a female forced labor camp in Norway, and those children who were not capable of working went to a children's camp. Heil Hitler! Yours obediently, Terboven."

Is that correct?

Goering: It says so in the letter, a copy of which is before me.

MR. JUSTICE JACKSON: Terboven remained after that report until 1945, didn't he?

Goering: That's correct.

MR. JUSTICE JACKSON: Now, later in the same year, 1942, you adopted very similar means to those reported by Terboven to you, did you not?

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Goering: I did not understand the question.

MR. JUSTICE JACKSON: Well you adopted later in the same year the same means as Terboven, didn't you?

Goering: I? Where?

MR. JUSTICE JACKSON: Well, I will ask that you be shown Document 1742-PS.

*[Document 1742-PS was submitted to the witness.]*

Now, this is a decree of 26 October 1942, by Goering. I ask you to follow me:

"Simultaneously with the intensified combating of guerrilla activity ordered by the Fuehrer, and the cleaning up of the land behind the lines, in particular that behind the Army Group Center, I request that the following points be taken into consideration, and the conclusions drawn therefrom be put into practice:

"Simultaneously with the combating of the underground forces and the combing out of the areas contaminated by them, all available livestock must be driven off to safe areas.

Similarly, food supplies are to be removed and brought into safety, so that they will no longer be available to the guerrillas.

"2. All male and female labor suitable for any kind of employment must be forcibly recruited and allocated to the Plenipotentiary General for Labor, who will then employ them in safe areas behind the lines or in the Reich. Separate camps must be organized behind the lines for the children."

Is that right?

Goering: Absolutely. It concerns areas overrun by guerrillas, and no one could expect me to leave cattle and foodstuffs at their disposal. Furthermore, people who were repeatedly being incited to guerrilla

activities and revolts against us had to be brought back to safe areas and put to work. I would like to emphasize that this was absolutely vital for the security of the troops. But I may emphasize again that you said I gave the same orders which you read from Terboven's letter. I did not order villages to be burned, and did not order the shooting of hostages. This was something basically different.

MR. JUSTICE JACKSON: You simply seized all the men, women and children and moved them out. That is what I referred to.

By May of 1944 your problem in the loss of fighter aircraft and fighter personnel was becoming serious?

Goering: Yes.

MR. JUSTICE JACKSON: On the 19th of May, 1944, you had a conference in your office, on the subject of fighter aircraft and the losses of fighter personnel, did you not?

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Goering: Yes.

MR. JUSTICE JACKSON: And you have been shown the minutes of that meeting and authenticated them in your interrogations?

Goering: It is not the minutes of that conference. It is a short and brief summary by an officer of a meeting which, as far as I know, lasted 2 days.

MR. JUSTICE JACKSON: I will ask to have you shown Document L-166. It is entitled, "Most Secret Document," isn't it?

Goering: That is correct.

MR. JUSTICE JACKSON: And it is also entitled, "Minutes of conference on fighter aircraft with the Reich Marshal on 15 and 16 May 1944." That is correct, too, is it not?

Goering: No, it says, "Notices of a conference on fighter aircraft at the Reich Marshal's on 15 and 16 May 1944."

MR. JUSTICE JACKSON: "Notices," you translate it "notices"?

Goering: It says "memorandum" here and that is the original.

MR. JUSTICE JACKSON: "Notes of Conference on Fighter Aircraft."

Goering: Lasting 2 days.

MR. JUSTICE JACKSON: Yes. And at first General Galland described in detail the situation regarding fighter personnel. That took place, didn't it, and he reviewed the losses?

Goering: Yes.

MR. JUSTICE JACKSON: And reviewed the losses?

Goering: That is right.

MR. JUSTICE JACKSON: And then he reviewed at some length under Item 2, "Remedial Measures," is that right?

Goering: According to the memorandum, yes, but whether that actually took place I cannot say.

MR. JUSTICE JACKSON: This conference took place, didn't it?

Goering: Absolutely, 2 days.

MR. JUSTICE JACKSON: And under Item 3 General Galland made certain proposals, did he not?

Goering: Yes.

MR. JUSTICE JACKSON: And then after considerable discussion General Schmidt made certain proposals, Items 12 and 13, is that right?

Goering: It must have been so. At any rate it says so according to the memorandum.

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MR. JUSTICE JACKSON: You recommended a conference between the chief of the General Staff and the chief of artillery, as soon as possible, did you not? Item 13?

Goering: Yes.

MR. JUSTICE JACKSON: And General Schmidt's recommendations and requests appear in Items 14 and 15 and 16 and 17 and 18?

Goering: Yes.

MR. JUSTICE JACKSON: Then you decided:

"The Reich Marshal has decided that only the III-groups of fighter squadrons are to remain in the Reich, and that all the fighters fit for operations are to be pressed into service."

That occurred, did it not?

Goering: Yes.

MR. JUSTICE JACKSON: Then:

"The Reich Marshal desires that when low-level attack on airfields are made, causing considerable loss in personnel and material, the measures taken for defense and dispersal are to be re-examined by the Luftwaffenfuhrungsstab."

Number 19. That occurred, did it not?

Goering: Yes.

MR. JUSTICE JACKSON: Item 20 reads:

"The Reich Marshal wishes to propose to the Fuehrer that American and English crews who shoot indiscriminately over towns, at moving civilian trains, or at soldiers hanging to parachutes should be shot immediately on the spot."

Have I correctly read that?

Goering: It says so here. And I objected at once at that time that this was not correct. This passage has no connection at all with the context of these notes, 19-21. Besides the expression "soldiers hanging to parachutes" is entirely misleading and not commonly used. I thought for a long time about how this could have got into the notes, which I never saw and which were drawn up over a period of 2 days, and can only find the explanation that I pointed out -- as can be gathered from the other evidence -- that around that time the Fuehrer gave a directive in that connection, and that in any event there must be a mistake; that is, it should not be that the Reich Marshal wants to propose, *et cetera*, to the Fuehrer, but that I might have suggested that the Fuehrer had some such intention. But about this the author of these notes would have to be consulted. No other item in all these notes refers to this. Even the next item is entirely different. Whereas everything else stands in relationship, this one point is extraneous.

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MR. JUSTICE JACKSON: In all the notes of the 2 days, this is the one thing that you say is mistaken.

Now I ask to have you shown Document 731-PS.

*[Document 731-PS was submitted to the witness.]*

Now, the conference, the notes of which I have just read you, was followed within a week by the order, 731-PS, was it not, the memorandum, 731-PS, which reads:

"The Fuehrer has reached the following decision in regard to measures to be taken against Anglo-American air crews in special instances:

"Enemy airmen who have been brought down are to be shot without court martial proceedings in the following instances..."

THE PRESIDENT: Mr. Justice Jackson, shouldn't you refer to a passage four lines above that, after "Report of the Reich Marshal"?

MR. JUSTICE JACKSON: I did not, but perhaps for the record it ought to be in full.

"Chief of the Command Staff of the Armed Forces, Chief WFSt. Please direct drafting of order. W (Warlimont). K (Keitel), Deputy Chief of Command Staff of the Armed Forces. Must go to ReichsFuehrer SS. According to the report of the Reich Marshal, General Korten made the following statement: 'Memorandum'" -- I think the next line is not in the original --

" 'The Fuehrer has given the following ruling in regard to measures to be taken against Anglo-American air crews in special instances:

" 'Enemy airmen whose machines have been shot down are to be shot without trial by court martial in the following cases:

" '(1) In the event of the shooting of our own German air crews while they are parachuting to earth.

" '(2) In the event of aerial attacks upon German planes which have made emergency landings and whose crews are in the immediate vicinity.

" '(3) In the event of attacks upon railway trains engaged in public transport.

" '(4) In the event of low-level aerial attacks upon individual civilians, farmers, workers, single vehicles, and so forth."

Now, there is a note: "In the event of low-level aerial attacks on individual civilians, single civilian vehicles, and so forth," is there not?

Goering: On mycopy, "In the event of low-level aerial attacks on single" -- "single" is crossed out here and there are two words

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written above which I cannot read. Before the expression, "single vehicles," is the word "civilian" and referring to Point 2, it says:

"I consider it doubtful, because the destruction of a plane which has made an emergency landing cannot be designated as gangster methods but rather as a measure in keeping with the strictest standards of civilized warfare."

We are concerned with the entire series of questions discussed in these days and weeks and to which Von Brauchitsch also testified recently.

MR. JUSTICE JACKSON: That note about that emergency landing is signed by "J," isn't it, which, stands for "Jodl"?

Goering: Certainly.

MR. JUSTICE JACKSON: I think that is all I care to ask.

There are a number of documents which should be introduced in this connection, and I think it will be best perhaps if we tabulate them and get them ready over the evening and present them in the morning.

THE PRESIDENT: Certainly, Mr. Justice Jackson, you can put them all in then.

SIR DAVID MAXWELL-FYFE: I want to ask you first some questions about the matter of the British Air Force officers who escaped from Stalag Luft III. Do you remember that you said in giving your

evidence that you knew this incident very completely and very minutely? Do you remember saying that?

Goering: No -- that I had received accurate knowledge; not that I had accurate knowledge -- but that I received it.

SIR DAVID MAXWELL-FYFE: Let me quote your own words, as they were taken down, "I know this incident very completely, very minutely, but it came to my attention, unfortunately, at a later period of time." That is what you said the other day, is that right?

Goering: Yes, that is what I meant; that I know about the incident exactly, but only heard of it 2 days later.

SIR DAVID MAXWELL-FYFE: You told the Tribunal that you were on leave at this time, in the last period of March 1944, is that right?

Goering: Yes, as far as I remember I was on leave in March until a few days before Easter.

SIR DAVID MAXWELL-FYFE: And you said, "As I can prove." I want you to tell the Tribunal the dates of your leave.

Goering: I say again, that this refers to the whole of March -- I remember it well -- and for proof I would like to mention the people who were with me on this leave.

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SIR DAVID MAXWELL-FYFE: What I want to know is, where you were on leave.

Goering: Here, in the vicinity of Nuremberg.

SIR DAVID MAXWELL-FYFE: So you were within easy reach of the telephone from the Air Ministry or, indeed, from Breslau, if you were wanted?

Goering: I would have been easily accessible by phone if someone wanted to communicate with me.

SIR DAVID MAXWELL-FYFE: I want you to help me with regard to one or two other dates of which you have spoken. You say: "I heard 1 or 2 days later about this escape." Do you, understand, Witness, that it is about the escape I am asking you, not about the shooting, for the moment; I want to make it quite clear.

Goering: It is clear to me.

SIR DAVID MAXWELL-YYFE: Did you mean by that, that you heard about the actual escape 1 or 2 days after it happened?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: Did you hear about it from the office of your adjutant or from your director of operations?

Goering: I always heard these things through my adjutant. Several other escapes had preceded this one.

SIR DAVID MAXWELL-FYFE: Yes, that's right. There had been a number of escapes from this camp.

Goering: I cannot tell you exactly whether they were from this camp. Shortly before several big escapes had taken place, which I always heard of through the office of my adjutant.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal another date: You say that on your return from leave your chief of staff made a communication to you. Who was your chief of staff?

Goering: General Korten was chief of staff at that time.

SIR DAVID MAXWELL-FYFE: Can you tell us the date at which he made this communication to you?

Goering: No, I cannot tell you that exactly. I believe I discussed this incident with my chief of staff later, telling him what I had already heard about it from other sources.

SIR DAVID MAXWELL-FYFE: Who was the first to tell you about it? Was it your chief of staff who told you about the shootings? Do you mean that some one else had told you about the shooting?

Goering: I cannot say exactly now whether I heard about the shooting from the chief of staff, or from other sources. But in any event I discussed this with the chief of staff.

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SIR DAVID MAXWELL-FYFE: What was the date that you talked about it with your chief of staff?

Goering: I cannot tell you the date exactly from memory, but it must have been around Easter.

SIR DAVID MAXWELL-FYFE: That would be just about the end of March, wouldn't it?

Goering: No. It might have been at the beginning of April, the first half of April.

SIR DAVID MAXWELL-FYFE: And then you had an interview with Himmler, you have told us?

Goering: Yes, I talked with Himmler about this.

SIR DAVID MAXWELL-FYFE: Can you fix that?

Goering: Of course I cannot establish this date with certainty. I saw Himmler, and, at the first opportunity after I had heard about this incident, spoke to him about it.

SIR DAVID MAXWELL-FYFE: So that you can't fix the date in relation to your coming back from leave, or the interview with your chief of staff, or any other date, or Easter?

Goering: Without any documents it is, as I said, impossible for me today to fix the date. I can only mention the approximate period of time; and that I have done.

SIR DAVID MAXWELL-FYFE: You said the other day that you could prove when you were on leave. Am I to take it that you haven't taken the trouble to look up what your leave dates were?

Goering: I have already said that I was on leave during March. Whether I returned on the 26th or the 28th or the 29th of March I cannot tell you. For proof of that you would have to ask the people who accompanied me, who perhaps can fix this date more definitely. I know only that I was there in March.

SIR DAVID MAXWELL-FYFE: Witness, will it be perfectly fair to you if I take the latest of your dates, the 29th of March, to work on?

Goering: It would be more expedient if you would tell me when Easter was that year, because I do not recall it. Then it will be easier for me to specify the dates, because I know that a few days before Easter I returned to Berchtesgaden in order to pass these holidays with my family.

SIR DAVID MAXWELL-FYFE: A few days before Easter you went back to Berchtesgaden?

Goering: Yes.

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SIR DAVID MAXWELL-FYFE: So you had come back on leave some day before that. Before you went to Berchtesgaden you had come back from your March leave?

Goering: Berchtesgaden was then at the same time the headquarters of the Fuehrer. I returned from, my leave to Berchtesgaden, and with my return my leave ended, because I returned to duty. The return to Berchtesgaden was identical with the termination of my leave.

SIR DAVID MAXWELL-FYFE: Well, I can't give you Easter offhand, but I happen to remember Whitsuntide was the 28th of May, so that Easter would be early, somewhere about the 5th of April. So that your leave would finish somewhere about the end of March, maybe the 26th or the 29th; that is right, isn't it?

Now, these shootings of these officers went on from the 25th of March to the 13th of April; do you know that?

Goering: I do not know that exactly.

SIR DAVID MAXWELL-FYFE: You may take that from me, because there is an official report of the shooting, and I want to be quite fair with you. Only 49 of these officers were shot on the 6th of April, as far as we can be sure, and one was shot either on the 13th of April or later. But the critical period is the end of March, and we may take it that you were back from leave by about the 29th of March.

I just want you to tell the, Tribunal this was a matter of great importance, was it? Considered a matter of great importance?

Goering: It was a very important matter.

SIR DAVID MAXWELL-FYFE: General Milch -- I beg pardon -- Field Marshal Milch has said that it was a matter which would require the highest authority, and I think you have said that you know it was Hitler's decision that these officers should be shot; is that so?

Goering: The question did not come through clearly.

SIR DAVID MAXWELL-FYFE: It was Hitler's decision that these officers should be shot?

Goering: That is correct; and I was later notified that it was Hitler's decree.

SIR DAVID MAXWELL-FYFE: I want you just to remember one other thing, that immediately it was published, the British Foreign Secretary, Mr. Eden, at once said that Great Britain would demand justice of the perpetrators of these murders; do you remember that?

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Goering: I cannot remember the speech to the House of Commons given by Eden. I myself do not know the substance of this speech even today. I just heard that he spoke in Parliament about this incident.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal just who the persons in your ministry involved were. I will tell you; I think it would be shorter in the end. If you disagree you can correct me.

The commandant of Stalag Luft III was Oberst Von Lindeiner of your service, was he not?

Goering: That is quite possible. I did not know the names of all these commandants. There was a court martial against him and that was because the escape was possible. He was not connected with the shootings.

SIR DAVID MAXWELL-FYFE: No, but he was commandant of the camp, and I suppose you had to review and confirm the proceedings of the Zentralluftwaffengericht which convicted him and sentenced him to a year's imprisonment for neglect of duty. That would come to you, wouldn't it? Wouldn't that come to you for review?

Goering: No, only if larger penalties were involved. One year imprisonment would not come to my attention. But I know, and would like to certify, that court proceedings were taken against him for neglect of duty at the time of the escape.

SIR DAVID MAXWELL-FYFE: In May of 1943, Inspectorate Number 17 had been interposed between the Luftwaffe and the Prisoners of War Organization of the OKW, the Kriegsgefangenenwesen; do you remember that?

Goering: I do not know the details about inspection nor how closely it concerned the Prisoners of War Organization of the OKW or how it was otherwise.

SIR DAVID MAXWELL-FYFE: I want to remind you of who your own officers were. You understand, Witness, that your own officers are involved in this matter. I want to remind you who they were. Was the head of Inspectorate 17 Major General Grosch of the Luftwaffe?

Goering: Major General Grosch is of the Luftwaffe.

SIR DAVID MAXWELL-FYFE: You told the Tribunal the other day -- I am quoting your own words -- that you knew from information, you knew this incident very completely and very minutely. You are now telling the Tribunal you don't know whether Major General Grosch was head of Inspectorate Number 17 of the Luftwaffe.

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Goering: That is irrelevant. I told the High Tribunal that I heard an accurate account of the incident of the shooting of these airmen, but that has no connection with General Grosch and his inspectorate, for he did not participate in the shooting.

SIR DAVID MAXWELL-FYFE: I will show you that connection in one minute if you will just answer my questions. Was Grosch's second in command Oberst Welder; do you remember that?

Goering: I do not know the particulars of the organization for inspection of prisoner-of-war camps, nor the leaders, nor what positions they held. At least not by heart. I would like to emphasize again, so that there will be no confusion, that when I said I knew about this matter, I mean that I knew how the order was issued and that the people were shot, that I came to know all about this; but not as far as this was related to inspections, possibilities of flight, *et cetera*.

SIR DAVID MAXWELL-FYFE: And did General Grosch, as head of Inspectorate 17, have to report to General Forster, your director of operations at the Luftwaffe Ministerium?

Goering: That I cannot tell you without having the diagram of the subordinate posts before me. General Forster was, I believe at that time, head of the Luftwehr, or a similar designation, in the ministry. I concerned myself less with these matters, because they were not directly of a tactical, strategic, or of an armament nature. But it is quite possible and certain that he belonged to this department.

SIR DAVID MAXWELL-FYFE: I put it to you quite shortly, and if you don't know I will leave it for the moment. Did you know Major General Von Graevenitz was head of the Defendant Keitel's department, the Kriegsgefangenenwesen, that dealt with prisoners of war?

Goering: I first heard about General Graevenitz here, for this department did not directly concern me. I could not know all of these military subordinate commanders in their hundreds and thousands of departments.

SIR DAVID MAXWELL-FYFE: So I take it that you did not know Colonel, now General Westhoff, of the department under Von Graevenitz?

Goering: Westhoff I never saw at all, and he did not belong to the Luftwaffe.

SIR DAVID MAXWELL-FYFE: I am not suggesting that Von Graevenitz and Westhoff belonged to the Luftwaffe. I wanted to make it clear that I was suggesting they belonged to General Keitel's organization.

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Goering: I did not know either; and I did not know what posts they occupied.

SIR DAVID MAXWELL-FYFE: Up to that time you still had a considerable influence in the Reich, didn't you?

Goering: At this time no longer. This no longer concerns 1944.

SIR DAVID MAXWELL-FYFE: But you were still head of the Luftwaffe and head of the Air Ministry, weren't you?

Goering: Yes, I was.

SIR DAVID MAXWELL-FYFE: And you had, as head of the Luftwaffe and head of the Air Ministry, been responsible for six prisoner-of-war camps for the whole of the war up to that time, hadn't you?

Goering: How many prisoner-of-war camps I do not know. But of course I bear the responsibility for those which belonged to my ministry.

SIR DAVID MAXWELL-FYFE: To the Air Force?

Goering: Yes, those which were subordinate to the Air Force.

SIR DAVID MAXWELL-FYFE: You knew about the general plan for treatment of prisoners of war, which we have had in evidence as the "Aktion Kugel" plan, didn't you?

Goering: No. I knew nothing of this action. I was not advised of it.

SIR DAVID MAXWELL-FYFE: You were never advised of Aktion Kugel?

Goering: I first heard of Aktion Kugel here; saw the document and heard the expression for the first time. Moreover no officer of the Luftwaffe ever informed me of such a thing; and I do not believe that a single officer was ever taken away from the Luftwaffe camps. A report to this effect was never presented to me, in any case.

SIR DAVID MAXWELL-FYFE: You know what Aktion Kugel was: That escaped officers and noncommissioned officers, other than British and American, were to be handed over to the police and taken to Mauthausen, where they were shot by the device of having a gun concealed in the measuring equipment when they thought they were getting their prison clothes. You know what Aktion Kugel is, don't you?

Goering: I heard of it here.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that you did not know that escaped prisoners of war who were picked

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up by the police were retained by the police and taken to Mauthausen?

Goering: No, I did not know that. On the contrary, various prisoners who escaped from my camps were caught again by the police; and they were all brought back to the camps; this was the first case where this to some extent did not take place.

SIR DAVID MAXWELIYYFE: But didn't you know that Colonel Welder, as second in command of your ministry's inspectorate, issued a written order a month before this, in February 1944, that prisoners of war picked up by the Luftwaffe should be delivered back to their camp, and prisoners of war picked up by the police should be held by them and no longer counted as being under the protection of the Luftwaffe; didn't you know that?

Goering: No. Please summon this colonel to testify if he ever made a report of that nature to me, or addressed such a letter to me.

SIR DAVID MAXWELL-FYFE: Well, of course I cannot tell whether your ministry was well run or not. But he certainly issued the order, because he says so himself.

Goering: Then he must say from whom he received this order.

SIR DAVID MAXWELL-FYFE: I see. Well, he says that he issued this order, and you know as well as I do that prisoners of war is a thing that you have got to be careful about, because you have got a protecting power that investigates any complaint; and you never denounced the Convention and you had the protecting power in these matters all through the war, had you not? That is right, isn't it?

Goering: That is correct, but I take the liberty to ask who gave him this order, whether he received this order from me.

SIR DAVID MAXWELL-FYFE: Well, he would not get it direct from you. I do not think you had ever met him, had you? He would get it from Lieutenant General Grosch, wouldn't he?

Goering: Then Grosch should say whether he received such an order from me. I never gave such an order.

SIR DAVID MAXWELL-FYFE: I see. So you say that you had never heard -- this was 31/2 years after the beginning of the war -- and you had never heard that any escaped prisoners of war were to be handed over to the police. Is that what you ask the Tribunal to believe?

Goering: To the extent that escaped prisoners of war committed any offenses or crimes, they were of course turned over to the police, I believe. But I wish to testify before the Court that I never gave any order that they should be handed over to the police or

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sent to concentration camps merely because they had attempted to break out or escape, nor did I ever know that such measures were taken.

SIR DAVID MAXWELL-FYFE: This is my last question: I want to make it quite clear, Witness, that I am referring to those who had escaped, who had got away from the confines of the camp and were recaptured by the police. Didn't you know that they were handed over to the police?

Goering: No. Only if they had committed crimes while fleeing, such as murder and so on. Such things occurred.

*[The Tribunal adjourned until 21 March 1946 at 1000 hours.]*

SIR DAVID MAXWELL-FYFE: Witness, do you remember telling me last night that the only prisoners of war handed over to the police were those guilty of crimes or misdemeanors?

Goering: I did not express myself that way. I said if the police apprehended prisoners of war, those who had committed a crime during the escape, as far as I know, were detained by the police and were not returned to the camp. To what extent the police kept prisoners of war, without returning them to a camp, I was able to gather from interrogations and explanations here.

SIR DAVID MAXWELL-FYFE: Would you look at Document D-569? Would you look first at the top left-hand corner, which shows that it is a document published by the Oberkommando der Wehrmacht?

Goering: The document which I have before me has the following heading at the top left-hand corner: "The ReichsFuehrer SS," and the subheading: "Inspector of Concentration Camps."

SIR DAVID MAXWELL-FYFE: It is a document dated the 22d of November 1941. Have you got it?

Goering: Yes, I have it now.

SIR DAVID MAXWELL-FYFE: Now, look at the left-hand bottom corner, as to distribution. The second person to whom it is distributed is the Air Ministry and Commander-in-Chief of the Air Force on 22 November 1941. That would be you.

Goering: That's correct. I would like to make the following statement in connection with this ...

SIR DAVID MAXWELL-FYFE: Just for a moment. I would like you to appreciate the document and then make your statement upon it. I shall not stop you. I want you to look at the third sentence in Paragraph 1. This deals with Soviet prisoners of war, you understand. The third sentence says:

"If escaped Soviet prisoners of war are returned to the camp in accordance with this order, they have to be handed over to the nearest post of the Secret State Police, in any case."

And then Paragraph 2 deals with the special position -- if they commit crimes, owing to the fact that:

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"... at present these misdemeanors on the part of Soviet prisoners of war are particularly frequent, due most likely to living conditions still being somewhat unsettled, the following temporary regulations come into force. They may be amended later. If a Soviet prisoner of war commits any other punishable offense then the commandant of the camp must hand the guilty man over to the head of the Security Police."

Do I understand this document to say that a man who escapes will be handed over to the Security Police? You understand this document says a man who escapes will be handed over to the Secret Police, a man who commits a crime, as you mentioned, will be handed over to the Security Police. Wasn't that the condition that obtained from 1941 up to the date we are dealing with in March 1944?

Goering: I would like to read the few preceding paragraphs so that no sentences are separated from their context.

SIR DAVID MAXWELL-FYFE: My Lord, while the witness is reading the document, might I go over the technical matter of the arrangement of exhibits? When I cross-examined Field Marshal Kesselring I put in three documents, UK-66, which becomes Exhibit GB-274; D-39, which becomes GB-275; TC-91, which becomes GB-276; so this document will become GB-277.

*[Turning to the witness.]* Have you had an opportunity of reading it, Witness?

Goering: Yes, I have.

SIR DAVID MAXWELL-FYFE: Then I am right, am I not, that the Soviet prisoners of war who escaped were to be, after their return to the camp, handed over to the Secret State Police. If they committed a crime, they were to be handed over to the Security Police, isn't that right?

Goering: Not exactly correct. I would like to point to the third sentence in the first paragraph. There it says, "If a prisoner-of-war camp is in the vicinity, then the man who is recaptured is to be transported there."

SIR DAVID MAXWELL-FYFE: But read the next sentence, "If a Soviet prisoner of war is returned to the camp" -- that is in accordance with this order which you have just read -- "he has to be handed to the nearest service station of the Secret State Police." Your own sentence.

Goering: Yes, but the second paragraph which follows gives an explanation of frequent criminal acts of Soviet prisoners of war, *et cetera*, committed at that time. You read that yourself; that is also connected with this Paragraph Number 1. But this order was

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given by itself and it was distributed to the Army, the Air Force and the Navy. And I would like to give the explanation of distribution. In this war there were not only hundreds, but thousands of current orders which were issued by superiors to subordinate officers and were transmitted to various departments. That does not mean that each of these thousands of orders was submitted to the Commander-in-Chief; only the most decisive and most important were shown to him. The others went from department to department. Thus it is, that this order from the Chief the High Command was signed by a subordinate department, and not by the Chief of the High Command himself.

SIR DAVID MAXWELL-FYFE: This order would be dealt by your prisoner-of-war department in your ministry, wouldn't it?

Goering: This department, according to the procedure adopted for these orders, received the order, but no other department received it.

SIR DAVID MAXWELL-FYFE: I think the answer to my question must be "yes." It would be dealt with by the prisoner-of-war department -- your ministry. Isn't that so?

Goering: I would say yes.

SIR DAVID MAXWELL-FYFE: It is quicker, you see, if you say "yes" in the beginning; do you understand?

Goering: No; it depends upon whether I personally have read the order or not, and I will then determine as to my responsibility.

SIR DAVID MAXWELL-FYFE: Well now, the escape...

THE PRESIDENT: You were not asked about responsibility you were asked whether it would be dealt with by your prisoner-of-war department.

SIR DAVID MAXWELL-FYFE: Now, the escape about which am asking you took place on the night of the 24th to the 25th March. I want you to have that date in mind. The decision to murder these young officers must have been taken very quickly because the first murder which actually took place was on the 26th of March. Do you agree with that? It must have been taken quickly?

Goering: I assume that this order, as I was informed later, was given immediately, but it had no connection with this document.

SIR DAVID MAXWELL-FYFE: No, no; we are finished with that document; we are going into the murder of these young men. The Grossfahndung -- a general hue and cry, I think, would be the British translation -- was also issued at once in order that these men should be arrested; isn't that so?

Goering: That is correct. Whenever there was an escape, and such a large number of prisoners escaped, automatically in the whole Reich, a hue and cry was raised, that is, all authorities had to be on the lookout to recapture the prisoners.

SIR DAVID MAXWELL-FYFE: So that in order to give this order to murder these men, and for the Grossfahndung, there must have been a meeting of Hitler, at any rate with Himmler or Kaltenbrunner, in order that that order would be put into effect; isn't that so?

Goering: That is correct. According to what I heard, Himmler was the first to report this escape to the Fuehrer.

SIR DAVID MAXWELL-FYFE: Now, General Westhoff, who was in Defendant Keitel's Kriegsgefangenenwesen, in his prisoner-of-war set-up, says this, that

"On a date, which I think was the 26th, Keitel said to him, 'This morning Goering reproached me in the presence of Himmler for having let some more prisoners of war escape. It was unheard of.'"

Do you say that General Westhoff is wrong?

Goering: Yes. This is not in accordance with the facts. General Westhoff is referring to a statement of Field Marshal Keitel. This utterance in itself is illogical, for I could not accuse Keitel because he would not draw my attention to it, as the guarding was his responsibility and not mine.

SIR DAVID MAXWELL-FYFE: One of the Defendant Keitel's officers dealing with this matter was a general inspector, General Rottich. I do not know if you know him.

Goering: No.

SIR DAVID MAXWELL-FYFE: Well, General Westhoff, as one could understand, is very anxious to assure everyone that his senior officer had nothing to do with it, and he goes on to say this about General Rottich:

"He was completely excluded from it by the fact that these matters were taken out of his hands. Apparently at that conference with the Fuehrer in the morning, that is to say, the conference between Himmler, Field Marshal Keitel, and Goering, which took place in the Fuehrer's presence, the Fuehrer himself always took a hand in these affairs when officers escaped."

You say that is wrong? You were at no such conference?

Goering: I was not present at this conference, neither was General Westhoff; he is giving a purely subjective view, not the facts of the case.

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SIR DAVID MAXWELL-FYFE: So that we find that -- you think that -- Westhoff is wrong? You see, Westhoff, he was a colonel at this time, I think, and now he finishes as a major general, and he asks that the senior officers be asked about it; he says this: "It should be possible to find out that Himmler made the suggestion to the Fuehrer -- to find that out from Goering who was present at the

conference." Again and again Westhoff, who after all is a comparatively junior officer, is saying that the truth about this matter can be discovered from his seniors. You say that it cannot.

Goering: I would not say that. I would like just to say that General Westhoff was never present for even a moment, therefore he cannot say, I know or I saw that Reich Marshal Goering was present. He is assuming it is so, or he may have heard it.

SIR DAVID MAXWELL-FYFE: What he says is, you know, that Keitel blamed him, as I have read to you; that Keitel went on to say to him at General Von Graevenitz', "Gentlemen, the escapes must stop. We must set an example. We shall take very severe measures. I am only telling you that, that the men who have escaped will be shot; probably the majority of them are dead already." You never heard anything of that?

Goering: I was neither present at the Keitel-Westhoff-Graevenitz conversation nor at the Fuehrer-Himmler conversation. As far as I know General Westhoff will be testifying here. Moreover, Field Marshal Keitel will be able to say whether I was there or not.

SIR DAVID MAXWELL-FYFE: Well then, I am bound to put this to you. I come on to your own ministry. I suppose in general you take responsibility for the actions of the officers of your ministry from the rank of field officer and above -- colonels and major generals and lieutenant generals?

Goering: If they acted according to my directives and my instructions, yes; if they acted against my directives and instructions, no.

SIR DAVID MAXWELL-FYFE: Well now, just let us see what happened in your own ministry. You know that -- do you know, that Colonel Walde made a personal investigation of this matter at the camp? Did you know that?

Goering: The particulars about this investigation, as I explained yesterday, are unknown to me; I know only that investigations did take place.

SIR DAVID MAXWELL-FYFE: Now, on the 27th of March, that was a Monday, did you know that there was a meeting in Berlin about this matter? Just let me tell you who were there before you apply your mind to it, so you will know. Your ministry was represented by Colonel Walde, because Lieutenant General Grosch

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had another meeting, so he ordered his deputy to attend; the Defendant Keitel's organization was represented by Colonel Von Reurmert; the Gestapo was represented by GruppenFuehrer Muller; the Kripo was represented by GruppenFuehrer Nebe. Now, all these officers were of course not on the policy level, but they were high executive officers who had to deal with the actual facts that were carried out, were they not?

Goering: They were not executive officers, insofar as it has not been definitely established that executive powers are within an officer's province. To the first question, whether I knew about this meeting, I would say no. Colonel Walde I do not even know personally.

SIR DAVID MAXWELL-FYFE: You mean to say, you are telling the Tribunal, that you were never told about this meeting at any time?

Goering: Yes, I am saying that.

SIR DAVID MAXWELL-FYFE: I just want you to look at -- let him have Walde's statement -- I want you to look at the statement of one of the officers of your own ministry on this point. This is a statement made by Colonel Ernst Walde, and -- I am sorry I have not another German copy, but I will get one in due course -- and in my copy, Witness, it is at the foot of Page 2, the beginning of the paragraph which I want you to look at, is: "As recaptured prisoners were not to be taken back to their camp, according to an order issued several weeks previously..." -- can you find it?

Goering: Where is it?

SIR DAVID MAXWELL-FYFE: Well, in the English version it is at the middle of the second page, and I want to ask you about the -- the middle of that paragraph; I do not know if you see a name -- it stands out in my copy -- Major Dr. Huhnemorder; do you see that?

Goering: Yes, I have found it.

SIR DAVID MAXWELL-FYFE: Well, it is the sentence after the name Major Dr. Huhnemorder appears: "On this Monday" -- have you got this?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: Thank you.

"On this Monday a conference took place at the Reich Security Main Office at Berlin, Albrechtstrasse. As far as I remember this conference had been called by the Chief of the Prisoner-of-War Organization OKW, and I attended as representative of Luftwaffe Inspektion 17, since General Grosch was unable

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to attend in person, for reasons which I cannot remember; the Chief of the Prisoner-of-War Organization, as far as I know, was represented by Colonel Von Reurmert, while the Security Office was represented by GruppenFuehrer Muller and GruppenFuehrer Nebe, the Chief of the Criminal Police at that time. I find it impossible to give a verbatim account of the conversation or to state what was said by every single person. But I remember this much: That we were informed about a conference which had taken place on the previous day, that is Sunday, at the Fuehrer's headquarters in connection with the mass escape from Sagan, in the course of which heated discussions had taken place between the participants. In this connection the names of Himmler, Goering, and Keitel were mentioned. Whether

Ribbentrop's name was also mentioned I do not remember. The Fuehrer was not mentioned. At this conference appropriate measures were said to have been discussed, or taken, to check any such mass escapes in the future. The nature of these measures was not disclosed. Later, and more or less in conclusion, GruppenFuehrer Muller declared that requisite orders had already been given and put into effect the previous morning. Regarding the search for escaped prisoners, he could or would not make any statement; he merely declared that according to reports so far received, shootings had taken place at some points for attempted escapes. I think he said that the number was 10 or 15.

"After these remarks by GruppenFuehrer Muller, which unmistakably caused a shattering effect, it became clear to me that a decision had been made by the highest authority, and that therefore any intervention by subordinate departments was impossible and pointless."

Now, this was announced at a meeting of persons that I would call executives, that the shooting had already begun. Are you telling this Tribunal that this matter was made clear to these executives, including one of your own officers, and was never told to you? Are you still saying that?

Goering: I am still saying that. Firstly, that I have never heard anything about this conference. Secondly, that the officer in question is only surmising when he mentions the names, he makes no assertion. And thirdly, I would like to ask you also to mention the beginning of this statement, which begins as follows:

"In this matter of the mass escape of British Air Force officers from Prisoner-of-War Camp Number III, at Sagan on 24 or 25 March 1944, I make the following statement:

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"I have to point out that in view of the absence of any documents, I am forced to reconstruct completely from memory events which happened almost a year and 9 months ago; I therefore ask that this fact and the possibility thus arising of my making a mistake be taken into consideration, and that due allowances be made."

SIR DAVID MAXWELL-FYFE: That is a perfectly fair point, and the answer to it is that I will show you what this officer reported at the time to his general.

Give the witness General Grosch's statement.

*[The document was submitted to the witness.]* We are getting reasonably high up. This officer, General Grosch, signs it as a Lieutenant General. Now, would you like, if you can, to help me again -- you were most helpful last time -- to try to find the place? This is a statement by Lieutenant General Grosch.

Goering: I request to have permission to read this document first, to see whether similar modifications apply here also.

SIR DAVID MAXWELL-FYFE: Will you read the first sentence? I do not want to take up time to read an account of the general matter. It says: "During my interrogation on 7 December 1945 I was told to write down all I knew about the Sagan case." And then he wrote it down. But I would like you to

look at Number 1, the first page. Do you see at the foot of the page an account of the pyramid in your ministry of administration? Do you see that at the foot of Page 1?

*[There was no response.]*

SIR DAVID MAXWELL-FYFE: Witness, do you see at the foot of Page 1 the pyramid?

Goering: I see it but -- I am now at the place.

SIR DAVID MAXWELL-FYFE: It comes in about the fourth paragraph.

Goering: I can see it, but I should like to read the other first.

SIR DAVID MAXWELL-FYFE: Then, if you will look about four small paragraphs on, it begins: "A few days after the day of the escape -- I cannot remember the date any more -- Colonel Walde informed me that OKW had called a conference in Berlin."

Do you see that?

I do not mind you running through it quickly, but you may take it that the first two pages are what I said were there, the pyramid of your ministry.

Goering: Yes, I have found it. Which paragraph, please?

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SIR DAVID MAXWELL-FYFE: It is Part C, the fourth paragraph, the Sagan case. "A few days after the escape...." Do you find that?

Goering: Yes, I have the place.

SIR DAVID MAXWELL-FYFE: Thank you.

"A few days after the day of the escape -- I cannot remember the date any more -- Colonel Walde informed me that the OKW had called a conference in Berlin -- I believe on the premises of a high SS and police authority, and that the Inspectorate Number 17 was to send representatives. I should have liked to have gone myself, but had to attend another conference in Berlin, and asked Colonel Walde to attend as representative. After his return Colonel Walde informed me that the spokesman of the OKW had informed them that there was a decision by the Fuehrer to the effect that, on recapture, the escaped British airmen were not to be handed back to the Luftwaffe but were to be shot."

Then missing a paragraph and taking the last line of the next paragraph:

"It is, however, certain that the danger of their being shot was even then clearly recognizable. I asked Colonel Walde whether such a far-reaching decision would be notified in writing to the High Command of the Luftwaffe or the Reich Air Ministry or whether he had been given anything in writing. Colonel Walde gave me to understand that the assembly were told by the spokesman of the OKW, that they would receive nothing in writing, nor was there to be any correspondence on this subject. The circle of those in the

know was to be kept as small as possible. I asked Colonel Walde whether the spokesman of the OKW had said anything to the effect that the Reich Marshal or the High Command of the Luftwaffe had been informed about the matter. Colonel Walde assured me that the OKW spokesman had told them that the Reich Marshal was informed."

I will not ask you about that for the moment. I want you to look at what your general did. It says:

"Up to the time of Colonel Walde's report I had not received even so much as a hint anywhere that escaped prisoners of war should be treated in any other way than according to the provisions of the Geneva Convention.

"The same afternoon I rang up my superior officer, the Chief of Air Defense, to ask time for an interview with General der Flieger Forster. This was fixed for the next morning.

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"When I came there to report I found General Forster together with his chief of staff. I asked General Forster for permission to speak to him alone and put the facts before him. In conclusion, I expressed the opinion that if the British airmen were to be shot, (a) there would be a breach of the Geneva Convention, (b) reprisal measures endangering the lives of German airmen held by the British as prisoners of war would have to be expected. I asked General Forster to bring the matter to the notice of the Reich Marshal even at this very late stage, and to stress those two points.

"General Forster was immediately prepared to do this. When it came to the choice of the way in which the matter could be brought to the attention of the Reich Marshal, it was decided to report to State Secretary Field Marshal Milch.

"In my presence General Forster rang up the office of the state secretary and obtained the interview at once. General Forster left the room, and while doing so he instructed me to wait for his return in his study. After some time General Forster came back and told me that he had reported the matter to the state secretary and that Field Marshal Milch had made the necessary notes."

Look at the last paragraph:

"I gave Colonel Walde the order, despite the ban by the OKW, to incorporate a detailed written statement about the conference in our records. So far as I know, this was done."

DR. STAHLER: Counsel Stahmer on behalf of the Defendant Goering.

We have had submitted here a series of affidavits given by witnesses who are in Nuremberg and who, in my opinion, could be brought as witnesses in person. Because of the importance of this matter, not only for Goering but for other defendants, I object to this procedure, on the assumption that the same rules apply for cross-examination as examination in chief. By that I mean that we should not be satisfied with an affidavit and depend on an affidavit, if the Prosecution can, without difficulty, summon the witness

in order to have him testify before the Tribunal, so that the Defense may be in position to cross-examine these witnesses.

THE PRESIDENT: Dr. Stahmer, what you have said is entirely inaccurate. The rules with reference to cross-examination are not the same as rules with reference to examination in chief, and what is being done at the present moment is that the Defendant Goering is being cross-examined as to his credit. He has said that he knew nothing about this matter, and he has been cross-examined to prove that he has lied when he said that.

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DR. STAHMER: Mr. President, according to my opinion the procedure should be that the witness be brought here in person. The fact remains that, in our estimation, a reference to an affidavit is a less desirable means than the personal testimony of a witness, which affords the Defense the possibility of adducing evidence.

THE PRESIDENT: Dr. Stahmer, as I have already pointed out to you, you are quite in error in thinking that the rules for cross-examination are the same as for examination in chief. The witness at the present moment is being cross-examined and is being cross-examined as to credit; that is to say, to prove whether or not he is telling the truth.

As to the calling of this witness -- I think his name is Grosch -- you can apply to call him if you want to do so. That is an entirely different matter.

DR. STAHMER: Yes. I quite understand, Mr. President; but I had to have the possibility of calling the people who are mentioned in this affidavit, in case I consider it necessary.

THE PRESIDENT: Well, you can apply to do that.

SIR DAVID MAXWELL-FYFE: *[Turning to the witness.]* You understand, what I am suggesting to you is that here was a matter which was not only known in the OKW, not only known in the Gestapo and the Kripo, but was known to your own director of operations, General Forster, who told General Grosch that he had informed Field Marshal Milch. I am suggesting to you, that it is absolutely impossible and untrue that in these circumstances you knew nothing about it.

Goering: I would like first to establish an entirely different point. In the German interpretation regarding the first objection by Dr. Stahmer, the following came through:

SIR DAVID MAXWELL-FYFE: The Tribunal does not want you to discuss legal objections.

THE PRESIDENT: Will you please answer the question that is put to you? You have already been told that you must answer a question directly and make any explanation afterwards, and shorten it.

SIR DAVID MAXWELL-FYFE: Do you still say, in view of that evidence, in view of these statements from the officers of your own ministry, that you knew nothing about this?

Goering: Precisely these statements confirm this, and I would like to make a short explanation. You determined a date. You said it was the 27th. But in this statement by Grosch this date is not determined. It says: "A few days after the escape, I do not recall the date, Colonel Walde informed me."

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Secondly, it says here that General Forster, who was not chief of my operational branch but chief of another branch of the ministry, mentioned this matter to State Secretary Field Marshal Milch, without referring to the date. General Field Marshal Milch was here as a witness, but unfortunately, he was never questioned as to whether he gave me this report, and at what time, and whether to me direct.

SIR DAVID MAXWELL-FYFE: Oh yes, he was, and General Field Marshal Milch took the same line as you, that he knew nothing about it, that Forster had never spoken to him. It was asked by my friend, Mr. Roberts, "Didn't General Forster speak to you about it?"

What I am suggesting is that both you and Field Marshal Milch are saying you knew nothing about it, when you did, and are leaving the responsibility on the shoulders of your junior officers. That is what I am suggesting and I want you to understand it.

Goering: No, I do not wish to push responsibility on to the shoulders of my subordinates, and I want to make it clear --- that is the only thing that is important to me -- that Field Marshal Milch did not say that he reported this matter to me. And, secondly, that the date when Forster told Milch about this is not established. It could have been quite possible that on the date when this actually happened, the Chief of the General Staff of the Luftwaffe might already have conferred with me about it. The important factor is -- and I want to maintain it -- that I was not present at the time when the command was given by the Fuehrer. When I heard about it, I vehemently opposed it. But at the time I heard of it, it was already too late. That a few were shot later, was not yet known at the time, neither was the exact time of the event. Most of them had been shot already.

Thirdly, those who escaped, and were captured in the direct vicinity of the camp by our guards were returned to the camp and were not handed over. Those prisoners who were captured by the police and the Grossfahndung, and returned to the camp before the Fuehrer had issued the decree, were likewise not handed over and shot.

SIR DAVID MAXWELL-FYFE: You know that, according to Wielen, who is going to give evidence, the selection of the officers to be shot -- a list as regards the selection of officers to be shot -- a list had been prepared by the camp authorities at the request of Department 5, that is of the RSHA Kripo Department, in which those officers were regarded as disturbing elements -- plotters and escape leaders, having been specifically mentioned. The names were selected either by the commandant or by one of these officers. Thereupon, the shooting of the officers mentioned by name was

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accordingly ordered by Department 4 of the RSHA and corresponding instructions sent to the Staatspolizei.

Are you telling the Tribunal you did not know that your own officers were selecting the men to be shot on the ground that they were plotters and escape leaders? In any other service in the world, attempt to escape is regarded as a duty of an officer, isn't it, when he is a prisoner of war? Isn't that so?

Goering: That is correct, and I have emphasized that. To your first question, I would like to put on record very definitely that we are dealing with the utterances of a man who will be testifying as a witness. As to whether he actually asked for a list and saw a list, his utterance is illogical. There was no selection made for shooting. Those who were captured by the police were shot without exception, and those who had not been returned to the camp. No officers were selected as representing disturbing elements, but those who had returned to the camp were not shot. Those who were recaptured by the police outside the camp were shot without exception, on the orders, of the Fuehrer. Therefore, the utterance is entirely illogical and not in accordance with the facts.

I know nothing about such a list being asked for, nor about the carrying out of such a wish. I personally pointed out to the Fuehrer repeatedly that it is the duty of these officers to escape, and that on their return after the war, they would have to give an account of such attempts, which as far as I can remember should be repeated three times, according to English rules.

SIR DAVID MAXWELL-FYFE: You remember that the Government of Germany sent an official note about this matter, saying that they had been shot while resisting arrest while trying to escape? Do you remember that?

Goering: I heard for the first time that there had been a note to this effect when the reply to it was sent. I had no part in the drawing up of the note. I know of its contents only through the reply, for I happened to be there when the reply came in.

SIR DAVID MAXWELL-FYFE: I am not at the moment on the point that everyone now admits that the note was a complete and utter lie. I am on the point of the seriousness of this matter. Do you know that General Westhoff says in his statement: "Then, when we read this note to England in the newspaper, we were all absolutely taken aback. We all clutched our heads, mad." According to Mr. Wielen, who will be here, it was a contributory cause for General Nebe of the Kripo, for nights on end, not going to bed but passing the night on his office settee. You will agree, won't you, Witness, that this was a serious and difficult matter? All these officers that had to deal with it found it a serious and difficult matter, isn't that so?

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Goering: Not only these officers found this matter serious and difficult, but I myself considered it the most serious incident of the whole war and expressed myself unequivocally and clearly on this point, and later, when I learned the contents of the note, I knew that this note was not in accordance with the truth. I gave expression to my indignation, inasmuch as I immediately told my Quartermaster General

to direct a letter to the OKW to the effect that we wished to give up the camps for prisoners of war, because under these circumstances, we no longer wished to have anything to do with them.

SIR DAVID MAXWELL-FYFE: And according to your evidence in chief, what you did was to turn to Himmler, asking him if he had received the order, and then you said,

"I told him what excitement would result in my branch, because we could not understand such measures; and if he had received such orders, he would please inform me before carrying them through so that I would have the possibility to prevent such orders from being carried out, if possible" -- and then you said that you -- "talked to the Fuehrer and that he confirmed that he had given the order and told me why."

You, according to that evidence, still had enough influence in Germany, in your opinion, to stop even Himmler issuing such orders or carrying -- I am sorry, I said "issuing" -- carrying out such orders.

Goering: You are giving my statement a completely wrong meaning. I told Himmler plainly that it was his duty to telephone me before the execution of this matter, to give me the possibility, even at this period of my much diminished influence, to prevent the Fuehrer from carrying out this decree. I did not mean to say that I would have been completely successful, but it was a matter of course that I, as Chief of the Luftwaffe, should make it clear to Himmler that it was his duty to telephone me first of all, because it was I who was most concerned with this matter. I told the Fuehrer in very clear terms just how I felt, and I saw from his answers that, even if I had known of it before, I could not have prevented this decree, and we must keep in mind that two different methods of procedure are in question. The order was not given to the Luftwaffe, that these people were to be shot by the Luftwaffe personnel, but to the police. If the Fuehrer had said to me, "I will persist in this decree which I gave the police," I would not have been able to order the police not to carry through the Fuehrer's decree. Only if this decree had had to be carried out by my men, would it have been possible for me perhaps to circumvent the decree, and I would like to emphasize this point strongly.

SIR DAVID MAXWELL-FYFE: Well, that may be your view that you could not have got anywhere with the Fuehrer; but I

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suggested to you that when all these officers that I mentioned knew about it, you knew about it, and that you did nothing to prevent these men from being shot, but co-operated in this foul series of murders.

THE PRESIDENT: Sir David, are you passing from that now?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: You are putting in evidence these two documents?

SIR DAVID MAXWELL-FYFE: I am putting them in. I put them to the witness. D-731 will be GB-278, and D-730 will be GB-279.

THE PRESIDENT: And should you not refer perhaps to the second paragraph in 731?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: It shows that apparently, in the early hours of the 25th of March the matter was communicated to the office of the adjutant of the Reich Marshal -- the second paragraph beginning with "the escape."

SIR DAVID MAXWELL-FYFE: Yes.

"The escape of about 30 to 40 prisoners, the exact number having to be ascertained by roll call, was reported by telephone from the Sagan Camp to the inspectorate in the early hours of the 25th of March, Saturday morning, and duly passed on in the same way by this office to the higher authorities which were to be informed in case of mass escapes. These were: 1.) the Office of the Adjutant of the Reich Marshal; 2.) the OKW, for directors of these prisoners of war; 3.) the Inspector General of Prisoners of War; and 4.) Director of Operations, Air Ministry."

I am much obliged. You must remember that the witness did not admit yesterday afternoon that the news of the escape had been given to the office of his adjutant.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am much obliged to you.

Goering: The escape was communicated to us every time relatively quickly. I should now like to give my view of the statement made by you before that -- it concerns assertions made by you -- but I still maintain that I did not hear about this incident until after it had occurred.

SIR DAVID MAXWELL-FYFE: I have put my questions on the incident. I pass to another point. I want to ask you two or three questions about the evidence that you gave 2 days ago, dealing with the evidence of your own witness, Herr Dahlerus,

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who made his first visit to London on the 25th of August 1939, after an interview and a telephone conversation with you on the 24th. I just want you to fix the date because it is sometimes difficult to remember what these dates are. At that time, you were anxious that he should persuade the British Government to arrange a meeting of plenipotentiaries who would deal with the questions of Danzig and the Corridor. Is that right?

Goering: That is correct.

SIR DAVID MAXWELL-FYFE: You knew perfectly well, did you not, that as far as the Fuehrer was concerned, Danzig and the Corridor was not the real matter that was operating in his mind at all. Will you let me remind you what he said on the 23rd of May:

"Danzig is not the subject of the dispute at all; it is a question of expanding our living space in the East, of securing our food supplies, and of the settlement of the Baltic problem."

You knew that, didn't you?

Goering: I knew that he had said these things at that time, but I have already pointed out repeatedly that such discussions can only be assessed, if considered in conjunction with the whole political situation. At the moment of these negotiations with England, we were solely concerned with Danzig and the Corridor.

SIR DAVID MAXWELL-FYFE: Well, you say that despite what Hitler said on the 23rd of May, that at that moment Hitler was only concerned with Danzig and the Corridor? Do you say that seriously?

Goering: I maintain in all seriousness that, in the situation as it was at that time, this was really the case. Otherwise it would be impossible to understand any of Hitler's acts. You might just as well take his book *Mein Kampf* as a basis and explain all his acts by it.

SIR DAVID MAXWELL-FYFE: I am interested in the last week of August at the moment I want you now just to remember two points on what you said, with regard to Dahlerus, during the morning of the 25th. Do you remember, you had a telephone conversation with him at 11:30 on the 24th? On the 25th, were you sufficiently in Hitler's confidence to know that he was going to proffer the *note verbale* to Sir Neville Henderson, the British Ambassador, on the 25th? Did you know that?

Goering: Yes, of course.

SIR DAVID MAXWELL-FYFE: At that time, when you were sending Dahlerus, and the note verbale was being given to the British Ambassador, the arrangement and order was that you were going to attack Poland on the morning of the 26th, wasn't it?

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Goering: There seems to be a disturbance on the line.

THE PRESIDENT: I think there is some mechanical difficulty. Perhaps it would be a good thing to adjourn for a few minutes.

*[A recess was taken.]*

SIR DAVID MAXWELL-FYFE: You told me, Witness, that the arrangements to attack Poland on the morning of the 26th were changed on the evening of the 25th. Before I come to that, I will ask you one or two questions about that.

Goering: No, I did not say that.

SIR DAVID MAXWELL-FYFE: Wait a minute. I am sorry, but that is what I understood you to say.

Goering: No. I said explicitly that already on the 25th the attack for the morning of the 26th was cancelled. It is a technical and military impossibility to cancel a large-scale attack of a whole army the evening before an attack. The shortest time required would be from 24 hours to 48 hours.

I expressly mentioned that on the 25th the situation was clear.

SIR DAVID MAXWELL-FYFE: At the time, you had asked Dahlerus to go to England on the 24th. It was still the plan that the attack would take place on the 26th. Was not your object in sending Dahlerus to have the British Government discussing their next move when the attack took place, in order to make it more difficult for the British Government?

Goering: No, I want to emphasize that -- and perhaps I should have the documents for the date -- that when I sent Dahlerus at that time, and when at that moment Sir Nevile had been handed a note on behalf of the Fuehrer, the attack for the 26th had been cancelled and postponed.

SIR DAVID MAXWELL-FYFE: Let me remind you of what you said yourself on the 29th of August:

"On the day when England gave her official guarantee to Poland, it was 5:30 on 25 August, the Fuehrer called me on the telephone and told me he had stopped the planned invasion of Poland. I asked him then whether it was just temporary or for good. He said, 'No, I will have to see whether we can eliminate British intervention.' I asked him, 'Do you think that it will be definite within 4 or 5 days?'"

Isn't that right?

Goering: That was what I said, but I did not say that this occurred on the 25th, but when the Fuehrer was clear about the guarantee that was given. I emphasize that once more ...

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SIR DAVID MAXWELL-FYFE: That was what I was quoting to you. When the official guarantee was given, the treaty was signed at 5:30 on the evening of the 25th of August. I am putting your own words to you. It was after that that the Fuehrer telephoned you and told you the invasion was off. Do you wish to withdraw your statement that it was after the official guarantee was given to Poland?

Goering: I emphasized once more -- after we knew that the guarantee would be given. It must be clear to you too that if the signing took place at 5:30 p.m. on the 25th, the Fuehrer could know about it only shortly afterwards. Not till then would the Fuehrer have called a conference, and in that case an attack for the 26th could have been called off only during the night of the 25th to 26th. Every military expert must know that that is an absolute impossibility. I meant to say in my statement, "... when it was clear to the Fuehrer that a guarantee was given."

I emphasize once more that I have not seen this record nor sworn to it.

SIR DAVID MAXWELL-FYFE: I admit that I do not know anything about that. I do not know whether you were still in Hitler's confidence at the time or not. But, wasn't it a fact that Signor Attolico

came on the 25th and told Hitler that the Italian Army and Air Force were not ready for a campaign? Were you told that?

Goering: Yes, of course I was told that.

SIR DAVID MAXWELL-FYFE: That was why the orders for the attack were cancelled on the 26th, wasn't it?

Goering: No, that is absolutely wrong, because when the question of Italian assistance came up, the fact was that its value was doubted in many quarters. During the tension of the preceding days it became evident that the demands made by the Italians which could not be fulfilled by us were formulated order to keep Italy out of the war. The Fuehrer was convinced that England had only given such a clear-cut guarantee to Poland, because in the meantime the British Government had learned that it was not the intention of Italy to come into the war as a partner of the Axis.

SIR DAVID MAXWELL-FYFE: I will put to you your own account of what the Fuehrer said. "I will have to see whether we can eliminate British intervention." Isn't it correct that you tried, through Mr. Dahlerus, in every way, to try and eliminate British intervention?

Goering: I have never denied that. It was my whole endeavor to avoid war with England. If it had been possible to avoid this

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war by coming to an agreement with Poland, then that would have been accepted. If the war with England could have been avoided in spite of a war with Poland, then that was my task also. This is clear from the fact that, even after the Polish campaign had started on 1 September 1939 I still made every attempt to avoid a war with England and to keep the war from spreading.

SIR DAVID MAXWELL-FYFE: In other words, what you were trying to do from the 25th onwards was to get England to try and agree and help the Reich in the return of Danzig and the Polish Corridor, wasn't that right?

Goering: That, of course, is quite clearly expressed.

SIR DAVID MAXWELL-FYFE: Now, you remember the interview with Mr. Dahlerus. It was the interview in which you colored the portions on the map. I only want you to have it in your mind. If I say 11:30 on the 29th of August it will not mean anything to you. I want you to see it so that I can ask you one or two questions about it.

You remember, at that time, that you were upset at the interview which had taken place when Hitler handed Henderson the German reply, and there had been the remark about the ultimatum. Do you remember that?

Goering: Yes, of course I was upset, since that had suddenly completely disturbed my whole position.

SIR DAVID MAXWELL-FYFE: And is this correct? Mr. Dahlerus says on Page 72 of his book that you came out with a tirade, strong words against the Poles. Do you remember that he quotes you as saying: "Wir kennen die Polen"? Do you remember that?

Goering: Yes, of course. You must consider the situation at the time. I had heard about the excesses and I would not go and tell Dahlerus, a neutral, that I considered Germany wholly guilty and the Poles completely innocent. It is correct that I did say that, but it arose out of a situation.

SIR DAVID MAXWELL-FYFE: Are you still an admirer of Bismarck?

Goering: I admire Bismarck absolutely, but I have never said that I am a Bismarck.

SIR DAVID MAXWELL-FYFE: No, I am not suggesting that. I thought you might have in mind his remark about the Poles. Do you remember: "Haut doch die Polen, dass sie am Leben verzagen"? (Let us strike the Poles until they lose the courage to live.) Is that what was in your mind at the time?

Goering: No, I had no such thoughts, still less because for years I had genuinely sought friendship with Poland.

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SIR DAVID MAXWELL-FYFE: You have been quite frank about your general intention, and I am not going to take time on it, but I just want to put one or two subsidiary points.

You remember the passage that I read from Mr. Dahlerus' book about the airplane and the sabotage, that he said that you had said to him, mentioning the Defendant Ribbentrop -- you remember that passage? You have given your explanation and I just want to ...

Goering: Yes, yes, I gave that explanation and I made it quite clear.

SIR DAVID MAXWELL-FYFE: Now, your explanation was that Herr Dahlerus was confusing your concern that his airplane should not be shot down in making his journey. That is putting your explanation fairly, isn't it? You are saying that Herr Dahlerus was confused. What you were saying was your concern that his airplane should not be shot down. Isn't that right? That is as I understood it.

Goering: No, I think I have expressed it very clearly. Would you like me to give it again? I will repeat it.

Dahlerus, who stood in the witness box here, used the words, "I must correct myself," when he was asked about Ribbentrop. I am quoting Dahlerus. He said, "I connected it with Ribbentrop, since shortly beforehand the name was mentioned in some other connection."

Thereupon I explained I was really anxious lest something might happen. I explained that very clearly and I need not repeat it.

SIR DAVID MAXWELL-FYFE: The question I put to you, Witness -- I think we are agreed on it -- was that your anxiety was about his plane, and the point that I want to make clear to you now is that

that incident did not occur on this day when Dahlerus was preparing for his third visit, but occurred when he was in England and rang you up during his second visit. He rang you up on the evening of the 27th of August, and on Page 59 of his book he says:

"Before leaving the Foreign Office, I telephoned Goering to confirm that I was leaving for Berlin by plane at 7:00 p.m. He seemed to think this was rather late. It would be dark and he was worried lest my plane be shot at by the British, or over German territory. He asked me to hold the line, and a minute later came back and gave me a concise description of the route the plane must follow over Germany to avoid being shot at. He also assured me that the anti-aircraft stations along our course would be informed that we were coming."

What I am suggesting to you is that your explanation is wrong, that you have confused it with this earlier incident of which Mr. Dahlerus speaks, and that Mr. Dahlerus is perfectly accurate when he speaks about the second incident which occurred 2 days later.

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Goering: That is not at all contradictory. In regard to the first flight the position was that it was already dark, which means that the danger was considerably greater; and I again point out that, in connection with the second journey, preparedness for war in all countries had reached such a degree that flying was hazardous.

I emphasize once more that I had to correct Dahlerus when he was questioned by my counsel, that I did not tell him that Ribbentrop had planned an attack against him. I emphasize for the last time that Von Ribbentrop knew nothing about my negotiations with Dahlerus.

SIR DAVID MAXWELL-FYFE: Do you really say that? Do you remember that on the 29th of August -- first of all, on the 28th of August, at 10:30 p.m., when Henderson and Hitler had an interview. That was before the difficulties arose. It was the interview when Hitler was considering direct negotiations with the Poles. He said, "We must summon Field Marshal Goering to discuss it with him." That is in our *Blue Book*, and as far as I know it has never been denied. You were summoned to the interview that Hitler and Ribbentrop were having with Sir Nevile Henderson.

Goering: No, I must interrupt you. The Fuehrer said, "We will have to fetch him," but I was not fetched and that is not said in the *Blue Book* either.

SIR DAVID MAXWELL-FYFE: But according to Mr. Dahlerus, he says:

"During our conversation Goering described how he had been summoned to Hitler immediately after Henderson's departure, how Hitler, Goering, and Ribbentrop had discussed the conference that had taken place with Henderson, and how satisfied all three of them were with the result. In this connection Hitler had turned to Ribbentrop and said mockingly, 'Do you still believe that Dahlerus is a British agent?' Somewhat acidly Ribbentrop replied that perhaps it was not the case."

You say that is not true, either?

Goering: Herr Dahlerus is describing the events without having been present. From that description, too, it becomes clear that I arrived after Henderson had already left. The description is a little colorful. Ribbentrop had no idea what I was negotiating with Dahlerus about, and the Fuehrer did not inform him about these negotiations either. He merely knew that I used Dahlerus as a negotiator, and he was of course, opposed to him, because he, as Foreign Minister, was against any other channels being used.

SIR DAVID MAXWELL-FYFE: That was exactly the point, you know, that I put to you about 7 minutes ago, that Ribbentrop did

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know you were using Dahlerus, with which you disagreed. You now agree that he knew you were using Dahlerus, so I will leave it.

Goering: No, I beg your pardon. I still say -- please do not distort my words -- that Ribbentrop did not know what I was negotiating with Dahlerus about, and that he had not even heard of it through the Fuehrer.

SIR DAVID MAXWELL-FYFE: You said "distort my words." I especially did not say to you that he knew what you were negotiating about. I said to you that he knew you were using Dahlerus, and that, you agree, is right. I limited it to that, didn't I? And that is right, isn't it?

Goering: He did not know either that I was carrying on negotiations with England through Dahlerus at that time. He did not know about the flights either.

SIR DAVID MAXWELL-FYFE: Well now, I want you just to help me on one or two other matters.

You remember that in January of 1937, and in October of 1937, the German Government gave the strongest assurances as to the inviolability and neutrality of Belgium and Holland. Do you remember that?

Goering: I do not remember it in detail, but it has been mentioned here in Court.

SIR DAVID MAXWELL-FYFE: And do you remember that on the 25th of August 1938 the Air Staff put in a memorandum on the assumption that France and Great Britain -- oh no, that France would declare war during the case of Fall Grun, and that Great Britain would come in? Do you remember that? It is Document Number 375-PS, Exhibit Number USA-84. I want you to have it generally in mind because I am going to put a passage to you.

Goering: May I ask whether the signature is Wolter? W-o-1-t-e-r?

SIR DAVID MAXWELL-FYFE: I shall let you know. Yes, that is right.

Goering: In that case I remember the document exactly. It has been given to me here.

SIR DAVID MAXWELL-FYFE: That is right. I only want to recall your recollection to one sentence:

"Belgium and the Netherlands in German hands represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France. Therefore, it is held to be essential to obtain the opinion of the Army as to

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the conditions under which an occupation of this area could be carried out, and how long it would take."

Do you remember that? It is pretty obvious air strategy, but you remember it?

Goering: That is absolutely correct. That was the principal work of a captain of the General Staff, 5th Department, who, naturally, when making his report, must propound the best arguments.

SIR DAVID MAXWELL-FYFE: Then, after that, on the 28th of April 1939, you remember that Hitler said that he had given binding declarations to a number of states, and this applied to Holland and Belgium? I think that was the time when he made a speech in the Reichstag and mentioned a number of small states as well as that; but he said it included Holland and Belgium.

Goering: Yes. It has of course been mentioned repeatedly here.

SIR DAVID MAXWELL-FYFE: Yes. Now, do you remember that on the 23rd of May, in the document that I have already put to you, at the meeting at the Reich Chancellery, Hitler said this: "The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

Do you remember his saying that?

Goering: It says so in the document, yes.

SIR DAVID MAXWELL-FYFE: And, on the 22d of August 1939, in the speech to the commanders-in-chief, which is Document Number 798-PS, Exhibit Number USA-29, he said:

"Another possibility is the violation of Dutch, Belgian, and Swiss neutrality. I have no doubt that all these states, as well as Scandinavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries."

Do you remember his saying that?

Goering: You can see for yourself from those words how often the Fuehrer changed his ideas, so that even the plan he had in May was not at all final.

SIR DAVID MAXWELL-FYFE: They are perfectly consistent in my estimation. He is saying that they must be occupied; that declarations of neutrality must be ignored, and he is emphasizing that by saying that England and France will not violate the neutrality, so it is perfectly easy for Germany to do it.

Goering: No, what he means to say is that we on our part would not find it necessary to do so either. I merely want to point out that political situations always turn out to be different, and that

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at these interrogations and this Trial we must regard the political background of the world as a whole.

SIR DAVID MAXWELL-FYFE: That was on the 22d. You have agreed as to what was said.

Immediately after that, on the 26th, 4 days later, Hitler gave another assurance. Do you remember that, just before the war he gave another assurance?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: And on the 6th of October, 1939, he gave a further assurance, and on the 7th of October, the day after that last assurance, the order, which is Document Number 2329-PS, Exhibit GB-105, was issued.

"Army Group B has to make all preparations according to special orders for immediate invasion of Dutch and Belgian territory, if the political situation so demands."

And on the 9th of October, there is a directive from Hitler:

"Preparations should be made for offensive action on the northern flank of the Western Front crossing the area of Luxembourg, Belgium, and Holland. This attack must be carried out as soon and as forcibly as possible."

Isn't it quite clear from that, that all along you knew, as Hitler stated on the 22d of August, that England, and France would not violate the neutrality of the low countries, and you were prepared to violate them whenever it suited your strategical and tactical interests? Isn't that quite clear?

Goering: Not entirely. Only if the political situation made it necessary. And in the meantime the British air penetration of the neutrality of Holland and Belgium had taken place, up to October.

SIR DAVID MAXWELL-FYFE: You say not entirely. That is as near agreement with me as you are probably prepared to go.

Now I want to ask you quite shortly again about Yugoslavia. You remember that you have told us in your evidence in chief that Germany before the war, before the beginning of the war, had the very best relations with the Yugoslav people, and that you yourself had contributed to it. I am putting it quite shortly.

Goering: That is correct.

SIR DAVID MAXWELL-FYFE: And that was emphasized, if you will remember, on the first of June 1939 by a speech of Hitler at a dinner with Prince Paul.

Goering: Yes.

SIR DAVID MAXWELL-FYFE: Now, 80 days after that, on the 12th of August 1939, the Defendant Ribbentrop, Hitler, and Ciano

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had a meeting, and just let me recall to you what Hitler said at that meeting to Count Ciano.

"Generally speaking..."

Goering: I beg your pardon, what is the number of the document?

SIR DAVID MAXWELL-FYFE: I am sorry, it was my fault -- Document Number TC-77, Exhibit Number GB-48. It is the memorandum of a conversation between Hitler, Ribbentrop, and Ciano at Obersalzberg on the 12th of August.

Goering: I merely wanted to know if this was from Ciano's diary? That is important for me.

SIR DAVID MAXWELL-FYFE: Oh no, not from Ciano's diary, it is a memorandum. This is the official report.

"Generally speaking, the best thing to happen would be for uncertain neutrals to be liquidated one after the other. This process could be carried out more easily if on every occasion one partner of the Axis covered the other while it was dealing with an uncertain neutral. Italy might well regard Yugoslavia as a neutral of this kind."

That was rather inconsistent with your statement as to the good intentions towards Yugoslavia, and the Fuehrer's statement to Prince Paul, wasn't it?

Goering: I should like to read that through carefully once more and see in what connection that statement was made. As it is presented now it certainly would not fit in with that.

SIR DAVID MAXWELL-FYFE: You know I do not want to stop you unnecessarily in any way, but that document has been read at least twice during the Trial and any further matter perhaps you will consider. But you will agree, unless I have wrenched it out of its context -- and I hope I have not -- that is quite inconsistent with friendly intentions, is it not?

Goering: As I said, it does not fit in with that.

SIR DAVID MAXWELL-FYFE: Now, it was 56 days after that, on the 6th of October, Hitler gave an assurance to Yugoslavia and he said:

"Immediately after the completion of the Anschluss I informed Yugoslavia that from now on the frontier with this country would also be an unalterable one and that we only desired to live in peace and friendship with her."

And then again in March 1941, on the entry of the Tripartite Pact, the German Government announced that it confirmed its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.

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Now, after that of course, as I have always said when you dealt with this, there was the Simovic Putsch in Yugoslavia. But I think you said quite frankly in your evidence, that Hitler and yourself never took the trouble, or thought of taking the trouble, of inquiring whether the Simovic Government would preserve its neutrality or not. That is right, is it not?

Goering: I did not say that. We were convinced that they were using these declarations to mislead. We knew that this Putsch was first of all directed from Moscow, and, as we learned later, that it had been financially supported to a considerable extent by Britain. From that we recognized the hostile intentions as shown by the mobilization of the Yugoslav Army, which made the matter quite clear, and we did not want to be deceived by the Simovic declarations.

SIR DAVID MAXWELL-FYFE: Well, I would like to say one word about the mobilization in a moment. But on the 27th of March, that was 2 days after the signing of the pact I have just referred to, there was a conference in Berlin of Hitler with the German High Command, at which you were present, and do you remember the Fuehrer saying:

"The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted anyhow in the future, will be taken note of. The attack will start as soon as means and troops suitable for it are ready. Politically it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is effected in a lightninglike undertaking. The plan is on the assumption that we speed up schedules of all preparations and use such strong forces that the Yugoslav collapse will take place within the shortest possible time."

It was not a very friendly intention toward Yugoslavia to have no diplomatic negotiations, not give them the chance of assurance or coming to terms with you, and to strike with unmerciful harshness, was it?

Goering: I have just said that after the Simovic Putsch the situation was completely clear to us, and declarations of neutrality on the part of Yugoslavia could be regarded as only camouflage and deception in order to gain time. After the Putsch, Yugoslavia definitely formed part of the enemy front, and it was therefore for us also to carry out deceptive moves and attack as quickly as possible, since our forces at that time were relatively weak.

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SIR DAVID MAXWELL-FYFE: You realized, of course, that you said that General Simovic was inspired by Moscow. I am not going to argue that point with you at all. But I do point out to you that this was 3 months before you were at war with the Soviet Union. You realize that, do you?

Goering: Yes, that is correct. It was precisely the Simovic Putsch which removed the Fuehrer's last doubts that Russia's attitude towards Germany had become hostile. This Putsch was the very reason which caused him to decide to take quickest possible counter measures against this danger. Secondly ...

SIR DAVID MAXWELL-FYFE: Just one moment. Do you know that it appears in the documents quite clearly, that the attack on the Soviet Union was postponed for 6 weeks because of this trouble in the Balkans? That is quite inconsistent with what you are saying now, isn't it?

Goering: No. If you will read again my statement on that point, you will see I said that a number of moves on the part of Russia caused the Fuehrer to order preparations for invasion, but that he still withheld the final decision on invasion, and that after the Simovic Putsch this decision was made. From the strategic situation it follows that the military execution of this political decision was delayed by the Yugoslavian campaign.

SIR DAVID MAXWELL-FYFE: I want to ask you one other point about Yugoslavia.

You remember your evidence that the attack on Belgrade was due to the fact that the war office and a number of other important military organizations were located there. I am trying to summarize it, but that was the effect of your evidence, was it not?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: Now, do you remember how it was put in Hitler's order which I have just been reading to you:

"The main task of the Air Force is to start as early as possible with the destruction of the Yugoslavian Air Force ground installations..."

Now, I ask you to note the next word "and":

"...and to destroy the capital of Belgrade in attacks by waves. Besides the Air Force has to support the Army."

I put it to you that that order makes it clear that the attack on Belgrade was just another of your exhibitions of terror attacks in order to attempt to subdue a population that would have difficulty in resisting them.

Goering: No, that is not correct. The population of Belgrade did defend itself. Belgrade was far more a center of military

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installations than the capital of any other country; and I would like to draw your attention to this.

SIR DAVID MAXWELL-FYFE: Well, now, I am going to pass from that matter to one or two points on which you gave evidence -- I think at the instance of counsel for the organizations. You remember

you gave evidence in answer to Dr. Babel about the Waffen-SS? Do you remember that -- a few days ago?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: I would just like you to look at a document which has not got a number, but it is the Fuehrer's ideas about the Waffen-SS, and to see if you agree. It is Document Number D-665, and it will be Exhibit Number GB-280. It is a document from the High Command of the Army, General Staff of the Army -- statements of the Fuehrer regarding the future state military police -- and the covering letter of the document says, "After the Fuehrer's proposals for the Waffen-SS had been passed on, doubts arose as to whether it was intended that they should be given wider distribution." If you will pass to the documents, perhaps you will follow it while I read it. I do not think it has been introduced before:

"On 6 August 1940 when the order for the organization of the Leibstandarte Adolf Hitler" -- Adolf Hitler Bodyguard -- was issued, the Fuehrer stated the principles regarding the necessity for the Waffen-SS as summed up below:

"The Greater German Reich in its final form will not include within its frontiers only those national groups which from the very beginning will be well disposed towards the Reich. It is therefore necessary to maintain outside the Reich proper a state military police capable in any situation of representing and imposing the authority of the Reich.

"This task can be carried out only by a state police composed of men of best German blood and wholeheartedly pledged to the ideology on which the Greater German Reich is founded. Only such a formation will resist subversive influences, even in critical times. Such a formation, proud of its purity, will never fraternize with the Proletariat and with the underworld which undermines the fundamental idea. In our future Greater German Reich, a police corps will have the necessary authority over the other members of the community only if it is trained along military lines. Our people are so militaryminded as a result of glorious achievements in war and training by the National Socialist Party that a 'sock-knitting' police, as in 1848, or a bureaucratic police, as in 1918, would no longer have any authority.

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"It is therefore necessary that this state police proves its worth and sacrifices its blood at the front, in close formations, in the same way as every unit of the armed forces. Having returned home, after having proved themselves in the field in the ranks of the Army, the units of the Waffen-SS will possess the authority to execute their tasks as state police.

"This employment of the Waffen-SS for internal purposes is just as much in the interests of the Wehrmacht itself. We must never again allow the conscripted German Wehrmacht to be used against its fellow countrymen, weapon in hand, in critical situations at home. Such action is the beginning of the end. A state which has to resort to such methods is no longer

in a position to use its armed forces against an enemy from without, and thereby gives itself up.

"There are deplorable examples of this in our history. In future the Wehrmacht is to be used solely against the foreign enemies of the Reich.

"In order to ensure that the men in the units of the Waffen-SS are always of high quality, the recruitment into the units must be limited. The Fuehrer's idea of this limitation is that the units of the Waffen-SS should generally not exceed 5 to 10 percent of the peacetime strength of the Army."

Do you agree with that? Is that a correct description of the purpose of the Waffen-SS?

Goering: I am absolutely convinced that he did say that, but that does not contradict my statement.

SIR DAVID MAXWELL-FYFE: Now, I just want you, while we are on the SS, to look at a note which is Document D-729 and will be Exhibit Number GB-281. It is on the conversation between you and the Duce in the Palazzo Venezia on 23 October 1942. At that time you were still in good odor with the Fuehrer and still retained your power; is that right?

I will read it: It is Page 35, Paragraph 1.

"The Reich Marshal then described Germany's method in fighting the partisans. To begin with, all livestock and foodstuffs were taken away from the areas concerned, so as to deny the partisans all sources of supply."

Goering: Just a second please. Where is this?

SIR DAVID MAXWELL-FYFE: It is Page 35, Paragraph 1, but I will find it for you if you have any difficulty. I think it is marked, and it begins "The Reich Marshal..." Can you find it?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: I will start again if I may.

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"The Reich Marshal then described Germany's method in fighting the partisans. To begin with, all livestock and foodstuffs were taken away from the areas concerned, so as to deny the partisans all sources of supply. Men and women were taken away to labor camps, the children to children's camps, and the villages burned down. It was by the use of these methods that the railways in the vast wooded areas of Bialowiza had been safeguarded. Whenever attacks occurred, the entire male population of the villages were lined up on one side and the women on the other. The women were told that all the men would be shot, unless they -- the women -- pointed out which men did not belong to the village. In order to save their men, the women always pointed out the nonresidents. Germany had found that, generally speaking, it was not easy to get soldiers to carry out such measures. Members of the Party discharged this task much more harshly and efficiently. For the same reason

armies trained ideologically, such as the German -- or the Russian -- fought better than others. The SS, the nucleus of the old Party fighters, who have personal ties with the Fuehrer and who form a special elite, confirm this principle."

Now, is that a correct description?

Goering: Yes, certainly.

SIR DAVID MAXWELL-FYFE: And this expresses correctly your views on how war against partisans should be carried out?

Goering: I have transmitted this.

Just a second, please. May I ask what the number of this document is?

SIR DAVID MAXWELL-FYFE: Yes, I will give it again: Document Number D-729, and it becomes Exhibit Number GB-281.

Now, I just want you to help me on one other matter on these organizations. You will remember that in answer, I think, to Dr. Servatius, you made some remarks about the Leadership Corps. Do you remember that? I just want you to have them in mind.

Goering: Yes.

SIR DAVID MAXWELL-FYFE: Now, will you look at the document which will be presented to you, Document Number D-728, Exhibit Number GB-282. This is a document from the Office of the Gau Leadership for Hessen-Nassau. I am sorry; there is a reference to an order of the Party Chancellery dated 10 February 1945, its subject is, "Action by the Party to be taken for keeping the German population in check until the end of the war." It is signed by Sprenger, Gauleiter and Commissioner for Reich Defense.

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Goering: The date is 15 March 1945, is that right?

SIR DAVID MAXWELL-FYFE: I am grateful to you. I knew it was just after 10 March. I have not got it in my copy, but if you say it, I will take it.

Goering: 1945.

SIR DAVID MAXWELL-FYFE: Yes.

*[Sir David Maxwell-Fyfe then read from the document excerpts which were withdrawn and stricken from the record on 16 August 1946.]*

DR. STAHLER: I must object to the use of this document, since I cannot recognize that it is genuine. I have not yet seen the original, and the doubts as to its being genuine are due to the fact that expressions are used which are most unusual in the German language.

Goering: I was going to raise the same objection. It is not an original as it says at the top, "copy," and there is, no original signature, but only the typewritten words "Sprenger, Gauleiter" at the bottom.

DR. STAHLER: For instance the expression "Gerichtlichkeiten" is used. This is an expression completely unusual and unknown in the German language, and I cannot imagine that an official document originating from a Gauleiter could contain such a word.

Goering: I can draw your attention to yet another point showing that this is evidently not an original document. If there had been an increase in meat or fat rations, I would have heard something about it. Not a single word of these two documents is known to me. It does not bear a rubber stamp either, the whole thing is typewritten, including the signatures. Therefore, I cannot accept this document.

SIR DAVID MAXWELL-FYFE: This is a file copy which, to the best of my knowledge, was captured at the office of the Gau Leader. It was sent to us by the British Army of the Rhine. I shall make inquiries about it, but it purports to be a file copy and I have put the original document which we have, which is a file copy, to the witness.

THE PRESIDENT: Dr. Stahmer, I have the original document in my hands now, together with the certificate of an officer of the British Army stating that the document was delivered to him in the above capacity, in the ordinary course of official business, as the original of a document found in German records of files captured by military forces under the command of the Supreme Commander. Under these circumstances it is in exactly the same position as all the other captured documents. The defense, of course, can bring

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any evidence which it thinks right, to criticize the authenticity of the document. The document stands on exactly the same footing as the other captured documents, subject to any criticism to support which you may be able to bring evidence.

SIR DAVID MAXWELL-FYFE: Witness, I want you to deal with the sentence in paragraph 6.

Now, this paragraph is certainly directed to all administrative levels down to the Kreisleiter, county leaders of the Nazi Party, and it assumes they knew all about the running of concentration camps. Are you telling the Tribunal that you, who up to 1943 were the second man in the Reich, knew nothing about concentration camps?

Goering: First of all, I want to say once more that I do not accept this document, and that its whole wording is unknown to me, and that this paragraph appears unusual to me. I did not know anything about what took place and what methods were used in the concentration camps later, when I was no longer in charge.

SIR DAVID MAXWELL-FYFE: Let me remind you of the evidence that has been given before this Court, that as far as Auschwitz alone is concerned, 4,000,000 people were exterminated. Do you remember that?

Goering: This I have heard as a statement here, but I consider it in no way proved -- that figure, I mean.

SIR DAVID MAXWELL-FYFE: If you do not consider it proved, let me remind you of the affidavit of Hoettl, who was Deputy Group Leader of the Foreign Section, of the Security Section of Amt IV of the RSHA. He says that approximately 4,000,000 Jews have been killed in the concentration camps, while an additional 2,000,000 met death in other ways. Assume that these figures -- one is a Russian figure, the other a German -- assume they are even 50 percent correct, assume it was 2,000,000 and 1,000,000, are you telling this Tribunal that a Minister with your power in the Reich could remain ignorant that that was going on?

Goering: This I maintain, and the reason for this is that these things were kept secret from me. I might add that in my opinion not even the Fuehrer knew the extent of what was going on.

This is also explained by the fact that Himmler kept all these matters very secret. We were never given figures or any other details.

SIR DAVID MAXWELL-FYFE: But, Witness, haven't you access to the foreign press, the press department in your ministry, to foreign broadcasts? You see, there is evidence that altogether, when you take the Jews and other people, something like 10,000,000 people have been done to death in cold blood, apart from those killed in

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battle. Something like 10,000,000 people. Do you say that you never saw or heard from the foreign press, in broadcasts, that this was going on?

Goering: First of all, the figure 10,000,000 is not established in any way. Secondly, throughout the war I did not read the foreign press, because I considered it nothing but propaganda. Thirdly, though I had the right to listen to foreign broadcasts, I never did so, simply because I did not want to listen to propaganda. Neither did I listen to home propaganda.

Only during the last 4 days of the war did I -- and this I could prove -- listen to a foreign broadcasting station for the first time.

SIR DAVID MAXWELL-FYFE: You told Mr. Justice Jackson yesterday that there were various representatives in Eastern territories, and you have seen the films of the concentration ramps, haven't you, since this Trial started? You knew that there were millions of garments, millions of shoes, 20,952 kilograms of gold wedding rings, 35 wagons of furs -- all that stuff which these people who were exterminated at Maidanek or Auschwitz left behind them. Did nobody ever tell you, under the development of the Four Year Plan, or anyone else, that they were getting all these amounts of human material? Do you remember we heard from the Polish Jewish gentleman, who gave evidence, that all he got back from his family, of his wife and mother and daughter, I think, were their identity cards? His work was to gather up clothes. He told us that so thorough were the henchmen of your friend Himmler that it took 5 minutes extra to kill the women because they had to have their hair cut off as it was to be

used for making mattresses. Was nothing ever told you about this accretion to German material, which came from the effects of these people who were murdered?

Goering: No, and how can you imagine this? I was laying down the broad outlines for the German economy, and that certainly did not include the manufacture of mattresses from women's hair or the utilization of old shoes and clothes. I leave the figure open. But, also I do want to object to your reference to my "friend Himmler."

SIR DAVID MAXWELL-FYFE: Well, I will say, "your enemy Himmler," or simply "Himmler" whichever you like. You know whom I mean, don't you?

Goering: Yes, indeed.

SIR DAVID MAXWELL-FYFE: Now, I just want to remind you of one other point: Exhibit Number USA-228, Document Number 407(V)-PS, " . . . I have the honor to report to you that it was possible to add 3,638,056 new foreign workers to the German war economy between April 1st of last year and March 31st of this year... In

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addition to the foreign civilian workers 1,622,929 prisoners of war are employed in the German economy." Now, just listen to this, "out of the 5,000,000 foreign workers who have arrived in Germany, not even 200,000 came voluntarily." That is from the minutes of the Central Planning Board on the 1st of March. Do you say that you, in your position in the State and as the great architect of German economy, did not know that you were getting for your economy 4,800,000 foreign workers who were forced to come? Do you tell the Tribunal that?

Goering: I never told the Tribunal that. I said that I knew quite well that these workers were brought in and not always voluntarily, but whether the figure of 200,000 is correct, that I do not know, and I do not believe it either. The number of volunteers was greater, but this does not alter the fact that workers were forced to come to the Reich. That I have never denied, and have even admitted it.

SIR DAVID MAXWELL-FYFE: You admit -- and I want to put it quite fairly -- that a large number of workers were forced to come to the Reich and work there?

Goering: Yes, certainly.

THE PRESIDENT: Sir David, would you like to adjourn now?

SIR DAVID MAXWELL-FYFE: Yes, sir.

*[The Tribunal recessed until 1400 hours.]*

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## **Afternoon Session**

SIR DAVID MAXWELL-FYFE: Do you remember what you said about the relations between you and the Fuehrer? May I repeat your words:

"The chief influence on the Fuehrer, if I may mention influence on the Fuehrer at all, was up to the end of 1941 or the beginning of 1942, and that influence was I. Then my influence gradually decreased until 1943, and from 1943 on it decreased speedily. All in all, apart from myself I do not believe anyone else had anywhere near the influence on the Fuehrer that I had."

That is your view on that matter?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: I think you told the Tribunal that right up to the end your loyalty to the Fuehrer was unshaken, is that right?

Goering: That is correct.

SIR DAVID MAXWELL-FYFE: Do you still seek to justify and glorify Hitler after he had ordered the murder of these 50 young flying officers at Stalag Luft Number III?

Goering: I am here neither to justify the Fuehrer Adolf Hitler nor to glorify him. I am here only to emphasize that I remained faithful to him, for I believe in keeping one's oath not in good times only, but also in bad times when it is much more difficult.

As to your reference to the 50 airmen, I never opposed the Fuehrer so clearly and strongly as in this matter, and I gave him my views about it. After that no conversation between the Fuehrer and myself took place for months.

SIR DAVID MAXWELL-FYFE: The Fuehrer, at any rate, must have had full knowledge of what was happening with regard to concentration camps, the treatment of the Jews, and the treatment of the workers, must he not?

Goering: I already mentioned it as my opinion that the Fuehrer did not know about details in concentration camps, about atrocities as described here. As far as I know him, I do not believe he was informed. But insofar as he ...

SIR DAVID MAXWELL-FYFE: I am not asking about details; I am asking about the murder of four or five million people. Are you suggesting that nobody in power in Germany, except Himmler and perhaps Kaltenbrunner, knew about that?

Goering: I am still of the opinion that the Fuehrer did not know about these figures.

SIR DAVID MAXWELL-FYFE: Now, you remember how Mr. Dahlerus described the relations between you and Hitler on Page 53 of his book:

"From the very beginning of our conversation, I resented his manner towards Goering, his most intimate friend and comrade from the years of struggle. His desire to dominate was explicable, but to require such obsequious humility as Goering now exhibited, from his closest collaborator, seemed to me abhorrent and unprepossessing."

Is that how you had to behave with Hitler?

Goering: I did not have to behave in that way, and I did not behave in that way. Those are journalistic statements by Dahlerus, made after the war. If Germany had won the war, this description would certainly have been very different.

SIR DAVID MAXWELL-FYFE: Mr. Dahlerus was your witness, though.

Goering: Mr. Dahlerus was not asked to give a journalistic account. He was solely questioned about the matters with which he, as courier between myself and the British Government, had to deal.

SIR DAVID MAXWELL-FYFE: My Lord, on Tuesday of last week, the defendant called General Bodenschatz, who gave general evidence as to his character and reputation. He, therefore, in my respectful submission, makes me entitled to put one document to him which is an account by the Defendant Raeder of his general character and reputation. In accordance with the English practice, I make my submission and ask the Court's permission to put it in.

DR. STAHLER: I object to the reading of this document. It would be considerably easier to question Admiral Raeder, as witness, on his statements, since he is here with us. Then we shall be able to determine in cross-examination whether and to what extent he still maintains this alleged statement.

SIR DAVID MAXWELL-FYFE: I have to put it in cross-examination to give the defendant the chance of answering it. The Defendant Raeder can give his explanations when he comes into the witness box.

THE PRESIDENT: The Tribunal would like to look at the document before it is put in.

SIR DAVID MAXWELL-FYFE: That is the English translation. I will show Dr. Stahmer the German.

DR. STAHLER: Mr. President, I should like to point out, that the document bears no date and we do not know when and where it was drawn up,

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SIR DAVID MAXWELL-FYFE: It is signed by the Defendant Raeder.

DR. STAHLER: When and where was it drawn up? The signature of Raeder is unknown to me.

SIR DAVID MAXWELL-FYFE: The date is in Raeder's handwriting as is the signature; the 27th of July, I think it is 1945. Each page of the document is signed by the Defendant Raeder.

THE PRESIDENT: Sir David, you said the defendant has put his character in issue through Bodenschatz?

SIR DAVID MAXWELL-FYFE: Your Lordship will remember he was asked by Doctor Stahmer: "Will you now tell me about the defendant's social relations?" And then he proceeded to give an account of his character and his kindness and other qualities at that time; and I notice that Doctor Stahmer has just included as an exhibit still further evidence as to character in the form of a statement by one Hermann Winter.

THE PRESIDENT: Would it not have been appropriate, if the document was to have been put in evidence, to have put it to Bodenschatz, who was giving the evidence?

SIR DAVID MAXWELL-FYFE: But, My Lord, the rule is that if the defendant puts his character in issue, he is entitled to be crossexamined on his character and his general reputation, and of course it is permissible to call a witness to speak as to his general reputation.

DR. STAHLER: May I make the following remark? I did not call Bodenschatz, neither did I question him as witness for Goering's character. I questioned him about certain facts and happenings from which Bodenschatz subsequently drew certain conclusions. In my opinion, all these questions should have been put to Bodenschatz when he was here. These statements could then have been used to prove that it was Bodenschatz who was not telling the truth, not that Goering had told an untruth. To prove this the document should have been used during Bodenschatz's interrogation. Then we would have been able to question Bodenschatz about it too.

SIR DAVID MAXWELL-FYFE: He may prefer that Bodenschatz be brought back and it be put to him, but I think I am entitled to put it to the defendant who called for the evidence as to his character and reputation.

THE PRESIDENT: The Tribunal will adjourn.

*[A recess was taken.]*

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THE PRESIDENT: The Tribunal rules that at the present stage, this document cannot be used in cross-examination.

SIR DAVID MAXWELL-FYFE: If Your Honor please, I understand that Your Lordship leaves open the question for further argument, whether it can be used for the Defendant Raeder in the witness box.

TBE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am much obliged.

*[Turning to the witness.]* Now, Witness, you said before the Tribunal adjourned, that Hitler, in your opinion, did not know about - broadly -- or was ignorant about, the question of concentration camps and the Jews. I would like you to look at Document Number D-736. That is an account of a discussion

between the Fuehrer and the Hungarian Regent Horthy on the 17th of April 1943, and if you would look at Page 4, you will see the passage just after "Nuremberg and Furth."

Goering: Just a moment. I should like to read through it very quickly to determine its authenticity.

SIR DAVID MAXWELL-FYFE: Certainly.

Goering: Page 4.

SIR DAVID MAXWELL-FYFE: Page 4 -- Exhibit Number GB-283. You see, after the mention of Nuremberg and Furth, Hitler goes on:

"The Jews did not even possess organizational value. In spite of the fears which he, the Fuehrer, had heard repeatedly in Germany, everything continued to go its normal way without the Jews. Where the Jews were left to themselves, as for instance in Poland, the most terrible misery and decay prevailed. They are just pure parasites. In Poland, this state of affairs had been fundamentally cleared up. If the Jews there did not want to work they were shot. If they could not work, they had to perish. They had to be treated like tuberculosis bacilli, with which a healthy body may become infected. This was not cruel -- if one remembers that even innocent creatures of nature, such as hares and deer, have to be killed so that no harm is caused by them. Why should the beasts who wanted to bring us Bolshevism be more preserved? Nations which do not rid themselves of Jews perish. One of the most famous examples is the downfall of that people who were once so proud, the Persians, who now lead a pitiful existence as Armenians."

And would you look at Exhibit USSR-170, Document Number USSR-170, which is a conference which you had on the 6th of August 1942.

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THE PRESIDENT: Before you pass from this document, is there not a passage higher up that is important? It is about 10 lines down, I think, in the middle of the line ...

SIR DAVID MAXWELL-FYFE: Your Honor is correct.

"To Admiral Horthy's counterquestion as to what he should do with the Jews, now that they had been deprived of almost all possibility of earning their livelihood -- he could not kill them off -- the Reich Minister of Foreign Affairs declared that the Jews should be exterminated or taken to concentration camps. There was no other possibility."

Goering: I do not know this document.

SIR DAVID MAXWELL-FYFE: Now, this is a conference which you had with a number of people, and on Page 143, if you will turn to it, you get on to the question of butter. If you will look where it says: "Reich Marshal Goering: How much butter do you deliver? 30,000 tons?"

Do you see that?

Goering: Yes.

SIR DAVID MAXWELL-FYFE: And then Lohse, who is in the conference, says, "Yes," and you say, "Do you also deliver to Wehrmacht units?" and then Lohse says, "I can answer that too. There are only a few Jews left alive. Tens of thousands have been disposed of, but I can tell you that the civilian population gets, on your orders, 15 percent less than the Germans." I call your attention to the statement that "there are only a few Jews left alive, tens of thousands have been disposed of." Do you still say, in the face of these two documents, that neither Hitler nor yourself knew that the Jews were being exterminated?

Goering: I beg that the remarks be rightly read. They are quite incorrectly reproduced. May I read the original text? "Lohse:" -- thus not my remark, but the remark of Lohse -- "I can also answer that. The Jews are left only in small numbers. Thousands have gone." It does not say here that they were destroyed. From this remark you cannot conclude that they were killed. It could also mean that they had gone away -- they were removed. There is nothing here ...

SIR DAVID MAXWELL-FYFE: About the preceding remark, I suggest that you make quite clear what you meant by "there, are only a few Jews left alive, whereas tens of thousands have been disposed of."

Goering: They were "still living there." That is how you should understand that.

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SIR DAVID MAXWELL-FYFE: You heard what I read to you about Hitler, what he said to Horthy and what Ribbentrop said, that the Jews must be exterminated or taken to concentration camps. Hitler said the Jews must either work or be shot. That was in April 1943. Do you still say that neither Hitler nor you knew of this policy to exterminate the Jews?

Goering: For the correctness of the document.

SIR DAVID MAXWELL-FYFE: Will you please answer my question. Do you still say neither Hitler nor you knew of the policy to exterminate the Jews?

Goering: As far as Hitler is concerned, I have said I do not think so. As far as I am concerned, I have said that I did not know, even approximately, to what extent these things were taking place.

SIR DAVID MAXWELL-FYFE: You did not know to what degree, but you knew there was a policy that aimed at the extermination of the Jews?

Goering: No, a policy of emigration, not liquidation of the Jews. I knew only that there had been isolated cases of such perpetrations.

SIR DAVID MAXWELL-FYFE: Thank you.

GEN. RU DENKO: If I understand you, Defendant Goering, you said that all the basic decisions concerning foreign, political, and military matters were taken by Hitler alone? Do I understand you rightly?

Goering: Yes, certainly. After all, he was the Fuehrer.

GEN. RU DENKO: Am I to understand that Hitler took these decisions without listening to the opinions of the experts who studied the questions, and the intelligence reports on those matters?

Goering: It depended upon the circumstances. In certain cases he would ask for data to be submitted to him, without the experts knowing the exact reason. In other cases, he would explain to his advisers what he intended to do, and get from them the data and their opinion. Final decisions he took himself as Supreme Commander.

GEN. RU DENKO: In that case, do I understand you correctly when you say that when making important decisions, Hitler used the analysis and material given to him by his close collaborators, who advised him according to their speciality. Is that correct?

Goering: Given to him partly by his collaborators, partly as in the case of communication and intelligence, by other members of the departments concerned.

GEN. RU DENKO: Will you tell me then, who was the closest collaborator of Hitler as far as the Air Force was concerned?

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Goering: I was, of course.

GEN. RU DENKO: And on the questions of economics?

Goering: In economic matters, it was also I.

GEN. RU DENKO: And on political matters?

Goering: It depended on what question came up for discussion, and on whether the Fuehrer had consulted anybody or asked his opinion.

GEN. RU DENKO: Can you tell me, who were these collaborators and associates?

Goering: The close collaborators of the Fuehrer as I said before were first I, myself. Another close associate -- perhaps it is the wrong word -- with whom he perhaps spoke more than with others was Dr. Goebbels. Then, of course, you must consider the different periods. It varied during the 20 years; towards the end, it was Bormann first and foremost. During the years 1933 and 1934, until shortly before the end, it was Himmler also, when certain questions were dealt with. And if the Fuehrer was dealing with certain other specific questions, then he would, of course, as is the custom in every government, consult the person who knew most about the question and obtain the information from him.

GEN. RUDENKO: Can you also name which of his collaborators were associated with him in the field of foreign politics?

Goering: As far as foreign policy was concerned, Hitler only consulted his colleagues more on the, so to speak, purely technical side. The most important and far-reaching political decisions were taken by himself, and he then announced them to his collaborators and colleagues as ready-made conceptions. Only very few people were allowed to discuss them, myself for instance; and the technical execution of his decisions in the field of foreign policy, when it came to framing the diplomatic notes, was done by the Foreign Office and its minister.

GEN. RUDENKO: The Defendant Ribbentrop?

Goering: Yes, naturally, he was the foreign minister concerned but he did not make foreign policy.

GEN. RUDENKO: And on questions of strategy, who advised Hitler?

Goering: There were several people. On purely departmental matters of strategic importance it was the three commanders-in-chief and their chiefs of general staff, and to some extent, the Supreme General Staff which was immediately attached to the Fuehrer.

GEN. RUDENKO: Which of the defendants can be placed in the category of such consultants?

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Goering: If he was asked by the Fuehrer, then the adviser on strategic matters was the Chief of the Operations Staff, General Jodl; and as far as military administrative questions were concerned, the commanders-in-chief, that is myself, Admiral Raeder, and later Admiral Doenitz for the Navy. The other representatives of the Army did not take part.

GEN. RUDENKO: The next question. If we approach the subject, not theoretically but functionally, could we conclude that any recommendations which Hitler's leading associates might make, would have had any considerable influence on Hitler's final decisions?

Goering: If I disregard the purely formal point of view and presumably you are referring to the military sphere, then the position was...

GEN. RUDENKO: No, I mean all spheres. All aspects of questions such as economic questions, home policy, foreign policy, military, and strategic questions. I mean, if we approach the subject, not theoretically but functionally, did their recommendations have any considerable influence on Hitler's final decisions? That is what I mean.

Goering: To a certain extent, yes. Their rejection depended on whether or not they appeared right to the Fuehrer.

GEN. RUDENKO: You said to a certain extent, did you not?

Goering: Yes, of course, if a reasonable proposal was made, and he considered it to be reasonable, then he certainly made use of it.

GEN. RUDENKO: I should like to stress that all these consultants must have been closely associated with Hitler. Therefore, they had a certain influence on Hitler's final decision. They did not stand quite aloof, did they?

Goering: They did not stand aloof. Their influence was only effective to the extent that their convictions concurred with those of the Fuehrer.

GEN. RUDENKO: That is clear. Let us now pass to the next set of questions.

When exactly did you start the working out of the plan of action for the use of the German Luftwaffe against the Soviet Union in connection with Case Barbarossa?

Goering: The deployment of the Luftwaffe for Case Barbarossa was worked out by my general staff, after the first directive of the Fuehrer's, that is, after the November directive.

GEN. RUDENKO: In 1940?

Goering: In 1940. But I would add that I had already considered making preparations not only in anticipation of a possible threat

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from Russia, but from all those countries which were not already involved in the war, but which might eventually be drawn in.

GEN. RUDENKO: All right. It was in November 1940, when Germany was preparing to attack Russia? Plans were already being prepared for this attack with your participation?

Goering: The other day I explained exactly, that at the time a plan for dealing with the political situation and the potential threat from Russia had been worked out.

GEN. RUDENKO: I ask you to reply to this question briefly, "yes" or "no." I think it is possible to reply to the question briefly.

Once more I say, in November 1940, more than half a year before the attack on the Soviet Union, plans were already prepared, with your participation, for the attack on the Soviet Union. Can you reply to this briefly?

Goering: Yes, but not in the sense in which you are presenting it.

GEN. RUDENKO: It seems to me that I have put the question quite clearly, and there is no ambiguity here at all. How much time did it take to prepare Case Barbarossa?

Goering: In which sector, air, land, or sea?

GEN. RUDENKO: If you are acquainted with all phases of the plan, that is concerning the Air Force, the Army and the Navy, then I would like you to answer for all phases of Case Barbarossa.

Goering: Generally speaking, I can only answer for the air, where it took a comparatively short time.

GEN. RUDENKO: If you please, just how long did it take to prepare Case Barbarossa?

Goering: After so many years I cannot give you the exact time without referring to the documents, but I answered your question when I told you that as far as the Air Force was concerned, it took a comparatively short time; as for the Army, it probably took longer.

GEN. RUDENKO: Thus, you admit that the attack on the Soviet Union was planned several months in advance of the attack itself, and that you, as chief of German Air Force and Reich Marshal, participated directly in the preparation of the attack.

Goering: May I divide your numerous questions. Firstly, that was not several months ...

GEN. RUDENKO: There were not too many questions asked at once. It was only one question. You have admitted that in November 1940 Case Barbarossa was prepared and developed for the Air Force. I ask you in your capacity as Commander-in-Chief of the German Luftwaffe.

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Goering: That is right.

GEN. RUDENKO: You have answered already the first part of my question. Now the following part: You admit that as chief of the German Air Force and Reich Marshal you participated in preparations for the attack on the Soviet Union?

Goering: I once more repeat that I prepared for the possibility of an attack, mainly because of Hitler's assumption that Soviet Russia was adopting a dangerous attitude. In the beginning the certainty of an attack was not discussed, and that is stated clearly in the directive of November 1940.

Secondly, I want to emphasize that my position as Reich Marshal is of no importance here. That is a title and a rank.

GEN. RUDENKO: But you do not deny-- rather, you agree -- that the plan was already prepared in November 1940?

Goering: Yes.

GEN. RUDENKO: It appears to me that the question has already been covered in such detail before the Tribunal that we need not talk too much about Case Barbarossa, which is quite clear. I shall go on to the next question:

Do you admit that the objectives of the war against the Soviet Union consisted of invading and seizing Soviet territory up to the Ural Mountains and joining it to the German Reich, including the Baltic

territories, the Crimea, the Caucasus; also the subjugation by Germany of the Ukraine, of Bielorussia, and of other regions of the Soviet Union? Do you admit that such were the objectives of that plan?

Goering: That I certainly do not admit.

GEN. RUDENKO: You do not admit that! Do you not remember that during the conference at Hitler's headquarters on the 16th of June 1941, at which you were present, as well as Bormann, Keitel, Rosenberg, and others, Hitler stated the objectives of the attack against the Soviet Union exactly as I have stated them? This was shown by the document submitted to the Tribunal. Have you forgotten that document? Have you forgotten about that?

Goering: I can remember the document exactly, and I have a fair recollection of the discussion at the conference. I said the first time that this document, as recorded by Bormann, appears to me extremely exaggerated as far as the demands are concerned. At any rate, at the beginning of the war, such demands were not discussed; nor had they been discussed previously.

GEN. RUDENKO: But you do admit that there are minutes of such a conference?

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Goering: I admit it because I have seen them. It was a document prepared by Bormann.

GEN. RUDENKO: You also admit that according to the minutes of this meeting, you participated in that conference.

Goering: I was present at that conference, and for that reason I question the record.

GEN. RUDENKO: Do you remember that in those minutes the tasks were formulated which were in connection with developing conditions? I shall remind you of various parts of the minutes. It is not necessary to read them in full.

Goering: May I ask to be shown a copy of that record.

GEN. RUDENKO: You would like a copy of the minutes of the meeting?

Goering: I ask to have it.

GEN. RUDENKO: If you please. Would you like to read the document?

Goering: No, only where you are going to quote it.

GEN. RUDENKO: Page 2, second paragraph, Point 2, about the Crimea: "We emphasize" -- can you find the place? Do you have it?

Goering: Just a moment, I have not found it yet. Yes, I have it.

GEN. RUDENKO:

"We emphasize" -- states this Point 2 - "that we are bringing freedom to the Crimea. The Crimea must be freed of all foreigners and populated by the Germans. Also, Austrian Galicia will become a province of the German Reich."

Have you found the place?

Goering: Yes.

GEN. RUDENKO: "A province of the Reich," it says.

Goering: Yes.

GEN. RUDENKO: I want to draw your attention to the end of the minutes. It says here: "The Fuehrer stresses the fact that the whole of the Baltic States must become Reich territory."

Have you found the place, "The Fuehrer stresses the fact"?

Goering: You mean the very last bit?

GEN. RUDENKO: That is right.

Goering: "Finally, it is ordered...?"

GEN. RUDENKO: A little higher up.

Goering: "The Fuehrer stresses...?"

GEN. RUDENKO: That is right.

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"The Fuehrer stresses the fact that the Baltic countries as well must become Reich territory." Then it goes on - "Reich territory must also include the Crimea, with its adjoining regions. These adjoining regions must be as big as possible."

The Fuehrer then says something about the Ukrainians ...

Go on further; skip one paragraph.

"The Fuehrer, furthermore, stresses that the Volga region also must become Reich territory, as well as the Baku Province, which must become a military colony of the Reich. Eastern Karelia is claimed by the Finns.

"The peninsula Kola, however, because of the large supplies of nickel, should become German territory. Great caution must be exercised in the incorporation of Finland as a federal state. The Finns want the surrounding region of Leningrad. The Fuehrer will level Leningrad to the ground and give it to the Finns afterwards."

Have you not found the place where it mentions Leningrad and Finland?

Goering: Yes.

GEN. RUDENKO: These are the minutes of the conference at which you were present on the 16th of July 1941, 3 weeks after Germany attacked the Soviet Union. You do not deny that such minutes exist, do you?

It is Document Number L-221.

Goering: Just a moment, you are mistaken in the date. You said 3 days; that is not correct.

GEN. RUDENKO: Three weeks, not 3 days.

Goering: Oh, 3 weeks; I see.

GEN. RUDENKO: Three weeks after Germany attacked the Soviet Union on the 22d of June, and the conference took place at Hitler's headquarters on the 16th of July at 1500 hours, I think.

Is it correct that such a conference took place?

Goering: That is quite right. I have said so all along, but the record of this is not right.

GEN. RUDENKO: And who took the minutes of the meeting?

Goering: Bormann.

GEN. RUDENKO: What was the point of Bormann's taking the minutes incorrectly?

Goering: In this record Bormann has exaggerated. The Volga territory was not discussed. As far as the Crimea is concerned, it is correct, that the Fuehrer ...

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GEN. RUDENKO: Well, let us be a little more precise. Germany wanted the Crimea to become a Reich territory, correct?

Goering: The Fuehrer wanted the Crimea, yes, but that was an aim fixed before the war. The same applies to the three Baltic States, which had previously been taken by Russia. They, too, were to go back to Germany.

GEN. RUDENKO: Pardon me. You say that the question of the Crimea arose even before the war, that is, the question of acquiring the Crimea for the Reich. How long before the war was that?

Goering: No, before the war the Fuehrer had not discussed territorial aims with us, or, rather which territories he had in mind. At that time, if you read the record, I myself considered the question premature, and I confined myself to more practical matters during that conference.

GEN. RUDENKO: I would like to be still more precise. You state that with regard to the Crimea, there was some question about making the Crimea Reich territory.

Goering: Yes, that was discussed during that conference.

GEN. RUDENKO: All right, with regard to the Baltic provinces, there was talk about those, too?

Goering: Yes.

GEN. RUDENKO: All right. With regard to the Caucasus, there was talk about annexing the Caucasus also?

Goering: It was never a question of its becoming German. We merely spoke about very strong German economic influence in that sphere.

GEN. RUDENKO: So the Caucasus was to become a concession of the Reich?

Goering: Just to what degree obviously could not be discussed until after a victorious war. You can see from the record what a mad thing it is to discuss a few days after a war has broken out the things recorded here by Bormann, when nobody knows what the outcome of that war will be and what the possibilities are.

GEN. RUDENKO: Therefore by exaggeration you mean that the Volga territory for instance was not discussed.

Goering: The exaggeration lies in the fact that at that time things were discussed which could not be usefully discussed at all. At the most one might have talked about territory which one occupied, and its administration.

GEN. RUDENKO: We are now trying to establish the facts, namely, that those questions had been discussed, and these questions came up at the conference. You do not deny that, do you?

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Goering: There had been some discussion, yes, but not as recorded in these minutes.

GEN. RUDENKO: I would like to draw just one conclusion. The facts bear witness that even before this conference, aims to annex foreign territories had been fixed in accordance with the plan prepared months ago. That is correct, is it not?

Goering: Yes that is correct, but I would like to emphasize that in these minutes I steered away from these endless discussions, and here the text reads:

"The Reich Marshal countered this, that is, the lengthy discussion of all these things, by stressing the main points which were of vital importance to us, such as, the securing of food supplies to the extent necessary for economy, securing of roads, *et cetera*."

I just wanted to reduce the whole thing to a practical basis.

GEN. RUDENKO: Just so. You have contradicted yourself, inasmuch as in your opinion, the most important thing was the food supply. All the other things could follow later. It says so in the minutes. Your contradiction does not lie in your objection to the plan itself but in the sequence of its execution. First of all you wanted food and later territory. Is that correct?

Goering: No, it is exactly as I have read it out, and there is no sequence of aims. There is no secret.

GEN. RUDENKO: Please read it once more and tell me just where you disagreed.

Goering:

"After the lengthy discussion about persons and matters concerning annexation, *et cetera*, opposing this, the Reich Marshal stressed the main points which might be the decisive factors for us: Securing of food supplies to the extent necessary for economy, securing of roads, *et cetera* -- communications."

At the time I mentioned railways, *et cetera*, that is, I wanted to bring this extravagant talk -- such as might take place in the first flush of victory -- back to the purely practical things which must be done.

GEN. RUDENKO: It is understandable that the securing of food supplies plays an important part. However, the objection you just gave does not mean that you objected to the annexation of the Crimea or the annexation of other regions, is that not correct?

Goering: If you spoke German, then, from the sentence which says, "opposing that, the Reich Marshal emphasized..." you would understand everything that is implied. In other words, I did not say here, "I protest against the annexation of the Crimea," or, "I

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protest against the annexation of the Baltic States." I had no reason to do so. Had we been victorious, then after the signing of peace we would in any case have decided how far annexation would serve our purpose. At the moment we had not finished the war, we had not won the war yet, and consequently I personally confined myself to practical problems.

GEN. RUDENKO: I understand you. In that case, you considered the annexation of these regions a step to come later. As you said yourself, after the war was won you would have seized these provinces and annexed them. In principle you have not protested.

Goering: Not in principle. As an old hunter, I acted according to the principle of not dividing the bear's skin before the bear was shot.

GEN. RUDENKO: I understand. And the bear's skin should be divided only when the territories were seized completely, is that correct?

Goering: Just what to do with the skin could be decided definitely only after the bear was shot.

GEN. RUDENKO: Luckily, this did not happen.

Goering: Luckily for you.

GEN. RUDENKO: And so, summing this up on the basis of the replies which you gave to my question, it has become quite clear, and I think you will agree, that the war aims were aggressive.

Goering: The one and only decisive war aim was to eliminate the danger which Russia represented to Germany.

GEN. RUDENKO: And to seize the Russian territories.

Goering: I have tried repeatedly to make this point clear, namely, that before the war started this was not discussed. The answer is that the Fuehrer saw in the attitude of Russia, and in the lining up of troops on our frontier, a mortal threat to Germany, and he wanted to eliminate that threat. He felt that to be his duty.

What might have been done in peace, after a victorious war, is quite another question, which at that time was not discussed in any way. But to reply to your question, by that I do not mean to say that after a victorious war in the East we would have had no thoughts of annexation.

GEN. RUDENKO: I do not wish to occupy the time of the Court in returning to the question of the so-called preventive war, but nevertheless, since you touched on the subject, I should like to ask you the following:

You remember the testimony of Field Marshal Milch, who stated that neither Goering nor he wanted war with Russia. Do you remember that testimony of your witness, Field Marshal Milch?

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Goering: Yes, perfectly.

GEN. RUDENKO: You do remember. In that case why did you not want war with Russia, when you saw the so-called Russian threat?

Goering: Firstly, I have said already that it was the Fuehrer who saw the danger to be so great and so imminent. Secondly, in connection with the question put by my counsel, I stated clearly and exactly the reasons why I believed that the danger had not yet become so imminent, and that we should take other preparatory measures first. That was my firm conviction.

GEN. RUDENKO: But you do not deny the testimony of your witness Milch?

Goering: Milch held a somewhat different opinion from mine. He considered it a serious danger to Germany because it would mean a war on two fronts. He was not so much of the opinion that Russia did not represent a danger, but he held that in spite of that danger one should take the risk and not use attack as a preventive measure against that danger. I too held the same opinion, but of course at a different time.

GEN. RUDENKO: On the basis of your replies to questions during several sessions, it appears there was no country on earth which you did not regard as a threat.

Goering: Most of the other countries did not represent a danger to Germany, but I personally, from 1933 on, always saw in Russia the greatest threat.

GEN. RUDENKO: Well, of course, by "the other countries" you mean your allies, is that right?

Goering: No, I am thinking of most of the other countries. If you ask me again I would say that the danger to Germany lay, in my opinion, in Russia's drive towards the West. Naturally, I also saw a certain danger in the two western countries, England and France, and in this connection, in the event of Germany being involved in a war, I regarded the United States to be a threat as well. As far as the other countries were concerned, I did not consider them to be a direct threat to Germany. In the case of the small countries, they would only constitute a direct threat, if they were used by the large countries, as bases in a war against Germany.

GEN. RUDENKO: Naturally the small countries did not represent the same threat because Germany already occupied them. That has often enough been established by the Tribunal.

Goering: No, a small country as such does not represent a threat, but if another large country uses the small one against me, then the small country too can become a danger.

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GEN. RUDENKO: I do not want to discuss the thing further as it does not relate to the question. The basic question here is Germany's intentions with regard to the territory of the Soviet Union, and to that you have already answered quite affirmatively and decisively. So I will not ask you any more questions on this subject. I shall go on to the next question.

Do you admit that as the Delegate for the Four Year Plan you were in full charge of the working out of the plans for the economic exploitation of all the occupied territories, as well as the realization of these plans?

Goering: I have already admitted that I assumed responsibility for the economic policy in the occupied territories, and the directions which I had given for the exploitation of those territories.

GEN. RUDENKO: Can you tell me how many million tons of grain and other products were exported from the Soviet Union to Germany during the war?

Goering: I cannot give you the figures. How could I know that from memory? But I am sure it is by no means as large as it was stated here.

GEN. RUDENKO: On the basis of your own documents I have the figures, but we will pass on to that question later.

I would like to return to the same conference which has already been mentioned. You remember the document submitted by the Soviet Prosecution, concerning the conference of the 6th of August 1942, Exhibit Number USSR-170, Document Number USSR-170? On 6 August 1942, there was a conference of commissioners of the occupied regions and of the representatives of the military command. This conference took place under your direction. You spoke at this conference -- and I would like to remind you of some of the things you said.

Goering: May I have a look at these minutes?

GEN. RUDENKO: You want to see the minutes of the meeting? Certainly. It is quite a long document. I do not intend to read the whole thing, but only the relevant passages. I will ask you to look only at Page 111 of this stenographic record -- the place is marked with pencil -- especially the citations which I am going to quote here. On Page 111, it states:

"Gentlemen: The Fuehrer has given me general powers on a scale such as he has never given hitherto under the Four Year Plan. He has also empowered me..."

Goering: Just one moment. Are you not omitting "under the Four Year Plan"?

GEN. RUDENKO: Evidently the translation has not reached you. I mentioned the Four Year Plan.

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"He has given me additional powers under the Four Year Plan reaching into every branch of our economic structure, whether within the State, the Party, or the Armed Forces."

Is it correct you were given such exclusive rights and prerogatives as mentioned in the citation?

Goering: When the Four Year Plan was formulated I received extraordinary general powers. For the first time unlimited powers were given in the economic sphere, I received authority to issue directives and instructions to the highest Reich departments, to the higher offices of the Armed Forces and the Party. During the war these powers were extended to the economic structure of the occupied countries.

GEN. RUDENKO: In that case I have stated and interpreted correctly, what you stated at the conference.

Goering: Absolutely, in spite of its being wrongly translated into German.

GEN. RUDENKO: With regard to your special prerogatives and rights, I am going to cite the instructions which you gave, as well as the orders you issued to some of the members who took part in a conference held on the 16th of August, and which were binding upon them.

Goering: Yes.

GEN. RUDENKO: In that case, when you used such expressions as "squeeze out," "get everything possible out of the occupied territories," such sentences in the directives issued became orders for your subordinates, is that not correct?

Goering: Naturally, they were then put into their proper form. These were the words used in direct speech, and the language was not so polite.

GEN. RUDENKO: Yes, I understand.

Goering: You are referring to the passage -- may I repeat it:

"You certainly are not sent there to work for the welfare of the population..."

GEN. RUDENKO: Yes.

Goering: Do you mean that passage?

GEN. RUDENKO: Yes, Page 112. It states here, I shall read it:

"You are sent there not to work for the welfare of the population, but for the purpose of extracting everything possible out of these territories. That is what I expect from you."

Goering: You have left out a sentence, "... so that the German nation may live ..."

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GEN. RUDENKO: Yes, that is right.

Goering: One minute -- "... extracting everything, so that the German nation may live. That is what I expect from you."

Before that it states, however, and this is the sentence I would like to read:

"In each of the occupied territories I see the people stuffed with food, while our own people starve."

The sentence follows then.

GEN. RUDENKO: You do not deny that these are your own words:

"You are sent there not to work for the welfare of the population, but to extract everything possible..."

Goering: You have to read that in connection with the preceding part. I do not deny that I said that.

GEN. RUDENKO: Do you deny your own words as stated here?

Goering: No, I am telling you that I did say that. What I do object to is the way you pick out certain things, whereas they should be taken with their context.

GEN. RUDENKO: These phrases in the document are very expressive. They require no comment.

I draw your attention to the following extract on Page 113, which is also underlined. Here are some of your orders:

"One thing I will do. I will get what I demand of you, and if you cannot do it, I will set up agencies which will get it from you, whether you like it or not."

Do you see that extract? Is it correct that this is what you said at the conference?

Goering: That quotation has not been translated by the interpreter as it is written down here in the original. The interpreter who is translating your words into German is using many strong expressions which are not contained in this document. Squeeze out ...

GEN. RUDENKO: Please read your original.

Goering: It says here "to get from and obtain." Between "to get from and obtain," and "to squeeze out," there is a vast difference in German.

GEN. RUDENKO: To "get out" and to "squeeze out" is about the same thing. And what about the phrase, "I will set up agencies which will squeeze it out of you." What have you got?

Goering: "Get from" and not "squeeze out of."

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GEN. RUDENKO: "Get from"? Did you have any cause not to trust the Reich commissioners? You refer to them as "special agencies."

Goering: Not only were the Reich commissioners of the Eastern territories present, but also the commissioners of all territories. It was a question of the contribution in foodstuffs which the separate countries had to make, to enable us to deal with the whole food question in all those areas in Europe occupied by us. Before the conference I had been told that it was to be expected, as is always the case in such a situation, that everyone would hold back and get the other fellow to deliver first. In other words, I did not want these fellows to let me down. I knew they would offer me only half and I demanded 100 percent. We could then meet somewhere half way.

GEN. RUDENKO: I ask you -- these demands which you made to those present at the conference, did they not mean a ruthless plundering of the occupied territories?

Goering: No, the main question at this conference was more food.

GEN. RUDENKO: But I am talking about plunder. Plunder can mean plundering of food from the occupied territories?

Goering: I have just said I was responsible for the feeding of practically the whole territory. Some of it was territory which had to be provided with food, and some had a surplus, and it had to be equalized.

At this meeting the contribution to be made by each Reich commissioner was for the most part fixed at 90 percent, and I in no way deny that in making my demands at the meeting I was worked up and used strong words. Later on the exact figures for the deliveries were laid down, and this was the net result of the meeting.

GEN. RUDENKO: I want to draw your attention to Page 118. Here it states as follows, I quote your words, Page 118, please; have you found the place?

Goering: Yes.

GEN. RUDENKO: Here, it says:

"It seemed to me to be a relatively simple matter in former days. It used to be called plundering. It was up to the party in question to carry off what had been conquered. But

today things have become more humane. In spite of that, I intend to plunder and to do it thoroughly."

Have you found the sentence?

Goering: Yes, I have found it, and that was exactly what I said at that conference. I emphasize that again

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GEN. RUDENKO: I just wanted to ascertain that you really said that.

Goering: I did say that, and now I should like to give you the reason. In making that statement I meant that in former times war fed on war. Today you call it something different, but in practice it remains the same.

GEN. RUDENKO: All right. I draw your attention to Page 119. There, addressing those present at the meeting you state:

"Whenever you come across anything that may be needed by the German people, you must be after it like a bloodhound. It must be taken out of store and brought to Germany."

Have you found that place?

Goering: Yes, I have found it.

GEN. RUDENKO: Did you say that?

Goering: I certainly assume that I did say it; yes.

GEN. RUDENKO: You did say that. This sentence is the natural logical conclusion of your directions "to plunder and do it thoroughly."

Goering: No, it is not. Just after that I said that I had issued a decree authorizing the soldiers to buy up what they wanted, as much as they wanted, and as much as they could carry. Just buy up everything.

GEN. RUDENKO: You mention soldiers. I wanted to remind you of this too, and as you have quoted it, I will refer to that sentence again. You said, "Soldiers may purchase as much as they want, what they want, and what they can carry away."

Goering: As much as they can carry away, yes, and that was necessary because the custom authorities had issued a restrictive order whereby a soldier could take only a small parcel. It seemed wrong to me, that a soldier, who had fought should benefit the least from victory.

GEN. RUDENKO: So that you do not deny that the extract which has just been read is what you really said in your speech of 6 August 1942.

Goering: I do not deny that at all.

GEN. RUDENKO: Very well. Let us go to the next question. Do you admit that as Delegate for the Four Year Plan you directed the deportation to forced labor of millions of citizens from the occupied territories, and that the Defendant Sauckel was your immediate subordinate in this activity? Do you admit that?

Goering: On paper he was my subordinate, but he was actually directly subordinate to the Fuehrer. I have already emphasized that

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to the extent that I was informed, I will take my part of the responsibility; and of course I knew about these statements,

GEN. RUDENKO: I want to draw your attention to your other remarks at the same conference. You will find that on Pages 141 and 142.

Goering: That has already been read to the Tribunal.

GEN. RUDENKO: I would like to ask you now if you have found the place?

Goering: I have found it.

GEN. RUDENKO: You have found it. You said at this conference:

"I do not want to praise Gauleiter Sauckel, he does not need it. But what he has accomplished in such a short time and with such speed for the recruitment of manpower from all over Europe and setting them to work in our industries, is a unique achievement."

Further, on Page 142, you say -- you were speaking of Koch:

"Koch they are not only Ukrainians. Your ridiculous 500,000 people! How many has he brought in? Nearly two million! Where did he get the others?"

Did you find the place?

Goering: Yes; it does not read quite like that here.

GEN. RUDENKO: It was not explicit. Make it more precise.

Goering: Koch is trying to assert that he alone supplied all these people for Sauckel. Whereupon, I replied that for the whole Sauckel program 2,000,000 workers had been supplied and that he, Koch, could lay claim to have supplied only 500,000, at most. In other words, Koch was claiming that he himself had supplied the total number.

GEN. RUDENKO: Did you think that 500,000 from the Ukraine was a small number?

Goering: No, that is not the point. I have just explained. Of these 2,000,000 which represent the total supplied by Sauckel in the past, 500,000 came from the whole of the Ukraine, so that Koch did not produce the whole number as he was trying to assert. That is the meaning of the quotation.

GEN. RUDENKO: But you do not deny the underlying meaning that you were speaking here of millions of people who were carried off forcibly to Germany for slave labor.

Goering: I do not deny that I was speaking of 2,000,000 workers who had been called up, but whether they were all brought to Germany I cannot say at the moment. At any rate, they were used for the German economy.

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GEN. RUDENKO: You do not deny that this was forced labor, slavery?

Goering: Slavery, that I deny. Forced labor did of course partly come into it, and the reason for that I have already stated.

GEN. RUDENKO: But they were forcibly taken out of their countries and sent to Germany?

Goering: To a certain extent deported forcibly, and I have already explained why.

GEN. RUDENKO: You heard, Defendant Goering, that a series of German documents have been read which make it clear that these people from the occupied territories were sent forcibly to Germany; that they were rounded up, taken in the street, and from the cinemas, loaded into trains and sent to Germany under military guard. If they refused to go to Germany, or tried to evade mobilization, the peaceful inhabitants were shot and submitted to tortures of various nature. You have heard of these documents which describe these methods.

Goering: Yes, but may I ask you to look at those documents again. These show that recruitment was not ordered, but that registration even for forced labor was regulated by decrees and other orders. If I had been given an absolute guarantee, particularly in the East, that all these people would be peaceful and peace-loving people, that they would never take part in partisan, activities or carry out sabotage, then I probably would have put a larger number to work on the spot. But for security reasons, both in the East and West -- particularly in the West -- where young age groups were reaching the age of military service -- we were compelled to draft these men into labor and bring them to Germany.

GEN. RUDENKO: They were taken to Germany only in the interest of security and safety?

Goering: There were two reasons. I have already explained them in detail. Firstly, for security reasons. Secondly, because it was necessary to find labor.

GEN. RUDENKO: And for that reason -- let us take the second, the necessity of finding labor -- people were forcibly taken from their country and sent to slavery in Germany. Is that correct?

Goering: Not to slavery; they were sent to Germany to work, but I must repeat that not all of those who were taken away from the East and are missing there today, were brought in to work. For instance, in the case of Poland already 1,680,000 Poles and Ukrainians had been taken by the Soviet Union from the territory which the Russians occupied at that time, and transported to the East -- the Far East.

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GEN. RUDENKO: I do not think you had better touch on the question of the Soviet territories. Just answer the question which I am asking you, which concerns the deportation to Germany of the peaceful population from the occupied territories. I am asking you once more: You said in answer to Sir David Maxwell-Fyfe's question that of the 5,000,000 persons who were sent to Germany, approximately 200,000 were volunteers, while the rest were taken to Germany forcibly. Is that not so?

Goering: First of all, I must correct that. I did not say that to Sir David at all, but he asked me.

GEN. RUDENKO: And you admitted it?

Goering: Just a moment. That is to say, he mentioned the figure 5,000,000 of which he said not more than 200,000 were volunteers. He questioned me on the strength of the minutes of the Central Planning Board, allegedly a statement by Sauckel. I did not agree and answered that the figure of volunteers was much higher, and that there must be a mistake in the figures.

GEN. RUDENKO: All right. You affirm that the number of volunteers was considerably larger, but you do not deny the fact that millions were sent to Germany against their will. You do not deny that.

Goering: Without wanting to tie myself down to a figure, the fact that workers were forcibly put to work is something I have never denied, and I answered accordingly.

GEN. RUDENKO: Let us go to another question: Tell me, what procedure was there for sending on the orders and directives of the OKW to various other government agencies and organs.

Goering: I did not understand the meaning of that question as it came through in translation.

GEN. RUDENKO: I would like you to describe the procedure which existed for sending the directives of the OKW to the various units and departments of the Air Force and other organs. How were they distributed?

Goering: If I have understood the question correctly, the procedure was as follows: If an order came from the OKW, addressed to the Air Force, it went through the following channels: If it was a direct order from the Fuehrer and signed by the Fuehrer, the order had to be sent directly to me, the Commander-in-Chief. If it was an order -- not actually signed by the Fuehrer, but beginning with the words, "By order of the Fuehrer," or "On the instructions of the Fuehrer" -- such an order, according to its importance, would go to the Chief of the General Staff of my Air Force, who, according to the purport and whether it was important, would report it to me

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verbally. If, however, it dealt with current and departmental matters the order would go immediately and directly to the lower departments concerned without passing through the High Command. It would have been impossible to work otherwise, owing to the very large number of such orders.

GEN. RUDENKO: I understand. In connection with this I would like to ask the following: In 1941 the OKW drew up a series of instructions and orders with regard to the conduct of the troops in the East and how they were to treat the Soviet population. These dealt specifically with military jurisdiction in the Barbarossa region -- Document C-50, which has already been submitted to the Tribunal. According to these instructions, the German officers had the right to shoot any person suspected of a hostile attitude towards the Germans, without bringing that person to court. This directive also stated that the German soldiers could not be punished for crimes which they committed against the local population. Directives of this nature must have been submitted to you?

Goering: I would have to see that from the distribution chart. May I see the document please?

GEN. RUDENKO: You would like to see the exhibit?

Goering: I want to see whether that document went straight to me, or only to my departments.

GEN. RUDENKO: Please look at the date, 13 May 1941.

Goering: Actually it did not go straight to me. It says on the distribution chart, "Ob. d. L., Air Force Operations Staff, Senior General Staff officer." Actually as far as my troops were concerned, I issued very severe disciplinary orders. That is the reason why I have asked for the senior Judge of the Air Force to be called as a witness, and have now sent him an interrogatory which deals with, these very questions.

GEN. RUDENKO: You do know about this order, however?

Goering: I have seen it here, and consequently asked for the witnesses, since this order did not go directly to the Commander-in-Chief, but to the department which I have just mentioned.

Nevertheless, if this department acted on this order, then I do of course formally share the responsibility. But we are here concerned with an order from the Farer and Supreme Commander of the Armed Forces, which could not be questioned by the troops.

GEN. RUDENKO: But you do agree that you must have known about this document because of its importance?

Goering: No, if so, it would have come directly to me, the Commander-in-Chief, and not be sent to the Air Force Operations Staff and the General Staff officers' department. It depended then on

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whether this department considered the importance of the document to be such as to require my personal orders and directives. But this was not the case here, since the document did not affect us as much as it did the Army.

GEN. RUDENKO: But the document was sent to your department and circulated there.

Goering: I have just said it was sent to two offices.

GEN. RUDENKO: But this document should have been reported to you.

Goering: No, it did not have to be reported to me. I explained a little earlier that if every order and every instruction which came through in the shape of an order, but which did not require my intervention, would have had to be reported to me, I should have been drowned in a sea of papers; and that is the reason why only the most important matters were brought to me and reported to me.

I cannot swear upon my oath that this document was not reported to me verbally. It is possible. And I formally take responsibility also for my departments.

GEN. RUDENKO: I would like you to be more precise about it. You say that the most important things were usually reported to you; correct?

Goering: That is correct.

GEN. RUDENKO: I would like to draw your attention to the document before you, to the third and fourth paragraphs of the order. The third paragraph says:

"Actions of hostile civilians against the German troops or various troop units, as well as against service personnel, must be suppressed on the spot by the most severe measures, even the extermination of the attackers."

Paragraph 4: "Thus, no time should be lost..."

Goering: Just a moment.

GEN. RUDENKO: The fourth paragraph ...

Goering: You have sent me three documents, and I am trying to find out which one; I am trying to sort them out.

GEN. RUDENKO: All right, sort them out.

Goering: I shall repeat Paragraph 3 because it has been transmitted quite erroneously in the German.

"Also in the case of all other attacks by hostile civilians against the Armed Forces, their members and service personnel, extreme measures to suppress them must be taken by the troops on the spot, even to the extent of annihilating the attackers."

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GEN. RUDENKO: And Paragraph 4?

Goering: Then we come to Number 4, and it is, if I understand you correctly, the paragraph where it says: "Where. measures of this kind have been omitted or were not practicable at the moment, the suspected elements will be taken at once to an officer who will decide whether they are to be shot." That is probably what you meant, is it not?

GEN. RUDENKO: Yes. That is what I had in mind. Could it be assumed that this document, from your point of view, was important enough to have been reported to you?

Goering: Actually it was important, but it was not absolutely necessary for it to be reported, because the order of the Fuehrer had made it so clear that a subordinate commander, and even a commander-in-chief of one of the services could not alter a clear and strict order of that kind.

GEN. RUDENKO: I draw your attention once more to the date in the right-hand corner. It states there, Fuehrer headquarters, 13 May 1941.

Goering: Yes.

GEN. RUDENKO: Therefore, it means that this was a month before the German attack on the Soviet Union? Already, then, directives were formulated about military jurisdiction within the regions covered by Case Barbarossa, and you did not know about this document?

Goering: When a plan for mobilization is laid, provision must be made for certain eventualities. From his experience, the Fuehrer believed that a serious threat would immediately arise in the East, and in this document measures are laid down for dealing with any action by the resistance, and fighting behind the lines. It was therefore a precautionary order in case of such happenings. Such measures have to be taken always and at all times.

GEN. RUDENKO: And the officers were given the right to shoot civilians without bringing them to trial?

Goering: An officer could hold a court martial on the spot, but, according to this paragraph, he could also, if he thought fit and had evidence that the opponent was making attacks from the rear, have him shot on the spot. That has always been done.

GEN. RUDENKO: You think that the officer can hold a court martial on the spot?

Goering: That is laid down in the articles of war. Every officer commanding an independent unit can hold a court martial at any time.

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GEN. RUDENKO: But you do agree that there is no question of any court here? It states that he alone can decide what to do with the civilian.

Goering: He could act alone or through a court martial, which was on the spot. All he needed to do was to call just two more people, and he could reach a decision, in 2 or 5 minutes if evidence of the attack was given.

GEN. RUDENKO: In 5 minutes or 2 minutes, you say, and then he could shoot the person?

Goering: If I catch a man in the act of shooting at my troops from a house in the rear, then the matter can be settled very swiftly by a court martial. But where there is no evidence at all, you cannot do that. Here, however, we are dealing with an immediate attack and with the means of putting an end to it.

GEN. RUDENKO: Defendant Goering, let us leave this question. I would only like to point out once more that this directive was issued by the High Command of the Armed Forces on 13 May 1941, and that this order gives an officer the right to shoot a man without a trial. I suppose you will not deny this. Let us go on.

Goering: Yes, but I deny that emphatically. There is nothing here which says that an officer has the right to shoot a man right away. Let us get this right. It says here -- and I repeat it -- "Attacks by hostile civilians against the Armed Forces," and then it says, "Where measures of this kind are not practicable at the moment, the suspected elements..." -- and here is meant "suspected elements" only -- are to be brought before the highest officer of the formation there present and he will decide the matter. In other words, it does not say that every officer can decide the fate of any civilian.

GEN. RUDENKO: But the resolution is to shoot. It is quite clear. The second document which I would like to submit now and question you about is that dated 16 September 1941. It has been submitted to the Court as Exhibit Number R-98.

Goering: Just a moment. What was the date you mentioned?

GEN. RUDENKO: 16 September 1941 is the date of the document. Point B of the document. I will not quote it. I am merely calling it to your mind. It states that as a general rule the death of one German soldier must be paid for by the lives of 50 to 100 Communists. That means that this rule was to serve as a deterrent. I am not going to question you about the main purport of the document. That is quite clear and needs no clarification. What I am interested in is whether this document was likewise unknown to you.

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Goering: It was not directed to me. Here again it merely went to some office. The Air Force had very little to do with such matters.

GEN. RUDENKO: And these offices did not report to you about such documents?

Goering: In a general way I knew about these reprisals, but not to this extent. I learned only later -- I mean during the war, not here -- that the order originally mentioned 5 to 10 and that the Fuehrer personally made it 50 to a 100. The question is whether you have any evidence that the Air Force really made use of the order anywhere, and they did not. That is all I can tell you.

GEN. RUDENKO: Do not put questions to me. I am asking you. Did your administrative office ever report to you about this document?

Goering: No, but later on I heard about this document. At a later date.

GEN. RUDENKO: What do you mean by a "later date"? Please be more precise.

Goering: I cannot tell you at the moment. It was sometime during the war that I heard that a figure which originally stood at from 5 to 10 had been altered by the Fuehrer personally to 50 to 100. That is what I heard.

GEN. RUDENKO: For one German?

Goering: I have just explained to you. That is what I heard. The number was originally 5 to 10 and the Fuehrer personally added on a zero. It was through that fact being once discussed that I learned about the whole matter.

GEN. RUDENKO: You mean the Fuehrer added the zeros?

THE PRESIDENT: General Rudenko, do you think it is really necessary to go through these documents in such detail? The documents, after all, speak for themselves, and they have already been presented to the Tribunal.

GEN. RUDENKO: I am finishing with this document, Mr. President.

Do you know anything about the directives of the OKW with regard to the treatment of Soviet prisoners of war?

Goering: I shall have to see them.

GEN. RUDENKO: If you please, Mr. Presidgnt, the document has already been submitted to the Tribunal as 33B-PS.

Please look at Point A, Paragraph 3, which states that there is a broad directive concerning the use of arms against Soviet prisoners of war. The use of weapons must be considered permissible

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and in any incidents involved the guards are not bound to report on the matter.

This document also speaks for itself. I do not want ...

Goering: Just a moment, I must read it first; there is some ambiguity in here.

GEN. RUDENKO: I should like to refresh your memory with still another subject, that is, a short comment. It is taken from an order concerning the treatment of Soviet prisoners of war. Here it is said that prisoners of war who are trying to escape should be shot without warning. The same subject is also mentioned in the memorandum concerning the treatment of the Russian prisoners of war.

Goering: The trouble here was the language difficulty; hence the guards were instructed to use their arms immediately against persons attempting escape. That is more or less the meaning of it, and that errors might occur in this connection can be understood.

GEN. RUDENKO: I am not talking about the purport of the document which speaks for itself. I want to know whether you knew about this document.

Goering: This is a document dealing with the treatment of prisoners of war, and it was passed directly to my department which was concerned with prisoners of war. I did not know of this document, neither did I know of the one which contains the opinion of the Foreign Intelligence Department on the matter.

GEN. RUDENKO: You did not know about this document? Very well. Now one other, Number 884-PS, already submitted. It deals with the extermination of political leaders and other political personalities. This is a document ...

Goering: In explanation of this, I should like to point out that the Air Force did not have any camps for Soviet prisoners of war. The Air Force had only six camps in which the air force personnel of other powers were confined; but it had no camps under it with Soviet prisoners of war.

GEN. RUDENKO: I have asked you these questions and shown you these documents because as the second man in Germany, you could not possibly have been unaware of these things.

Goering: I apologize if I contradict you. The higher the office I held, the less would I be concerned with orders dealing with prisoners of war. From their very nature, these were departmental orders and not orders of the highest political or military significance. If I had held a much lower rank, then I might have had more knowledge of these orders. I am now looking at the document which you submitted to me -- Department of Home Defense. It says

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on the left, "Reference: Treatment of Captured Political and Military Russian Functionaries." That is the document I am looking at.

GEN. RUDENKO: Please look at the date of the document -- 12 May 1941, Fuehrer's Headquarters.

Goering: Yes.

GEN. RUDENKO: Look at Paragraph 3 of the document.

"Political leaders among the troops are not to be considered prisoners of war and must be exterminated at the latest in the transit camps. They must never be transported to the rear."

Did you know about this directive?

Goering: May I point out that this is in no way a directive, but that it bears the heading, "Memorandum," and is signed Warlimont. Also the distribution chart does not show any other department than the Home Defense Department, which I have mentioned. In other words, this is a memorandum.

GEN. RUDENKO: You mean to say then that you did not know about this document?

Goering: I say once more, this is a memorandum from the Operations Staff of the OKW; and it is not an order or a directive, but a memorandum.

THE PRESIDENT: That is not an answer to the question. You are telling us what it was, not whether you knew of it.

Goering: No; I did not. It had been put before me as an order, and I wanted to point out that it is not an order.

GEN. RUDENKO: Let us go on. The directives regarding the treatment of Soviet prisoners of war must have been executed also by the units of the Luftwaffe?

Goering: If ordered by the Fuehrer, yes; or if ordered by me, also.

GEN. RUDENKO: Do you remember your own directives with regard to the treatment of Soviet prisoners of war?

Goering: No.

GEN. RUDENKO: You do not remember them?

Goering: The Air Force had no camps with Soviet prisoners of war.

GEN. RUDENKO: Tell me, the majority of these criminal orders and directives of the OKW, were they not issued even before the beginning of the war against the Soviet Union and as part of the preparations for that war? Does this not show that the German Government and the OKW already had a prepared plan for exterminating the Soviet population?

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Goering: No. It does not prove it at all. It only shows that we considered a struggle with the Soviet Union would be an extremely bitter one, and that it would be conducted according to other rules as there were no conventions.

GEN. RUDENKO: These rules of warfare are well known to us. Please tell me, do you know about Himmler's directives given in 1941 about the extermination of 30 million Slavs? You heard about it from the witness Von dem Bach-Zelewski here in court. Do you remember that?

Goering: Yes. First of all it was not an order but a speech. Secondly, it was an assertion by Zelewski. And thirdly, in all speeches that Himmler made to subordinate leaders, he insisted on the strictest secrecy. In other words, this is a statement from a witness about what he had heard, and not an order. Consequently, I have no knowledge of this nonsense.

GEN. RUDENKO: You did not know about it. Very well. Tell me, in the German totalitarian state was there not a governing center, which meant Hitler and his immediate entourage, in which you acted as deputy? These directives must have concerned Keitel and Himmler also. Could Himmler of his own volition have issued directives for the extermination of 30 million Slavs without being empowered by Hitler or by you?

Goering: Himmler gave no order for the extermination of 30 million Slavs. The witness said that he made a speech in which he said that 30 million Slavs must be exterminated. Had Himmler issued such an order de facto, if he kept to regulations, he would have had to ask the Fuehrer -- not me, but the Fuehrer -- and the latter would probably have told him at once that it was impossible.

GEN. RUDENKO: I did not say it was an order; I said it was a directive from Himmler. You therefore admit, or you state rather, that Himmler could have issued instructions without discussing them with Hitler?

Goering: I emphasize that such instructions could not have been given by Himmler, and I know of no instructions; also no directive has been mentioned here.

GEN. RUDENKO: I shall repeat the question once more: Is it not true that the directives and the orders of the OKW with regard to the treatment of the civilian population and prisoners of war in the occupied Soviet territories were part of the general directives for the extermination of the Slavs? That is what I want to know.

Goering: Not at all. At no time has there been a directive from the Fuehrer, or anybody I know of, concerning the extermination of the Slavs.

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GEN. RUDENKO: You must have known about the mass extermination of the Soviet citizens from the occupied territories of the Soviet Union with the help of the SD and the Security Police. Is it not true that the Einsatz Kommandos and their activities were the result of the plan prepared in advance for the extermination of Jews and other groups of Soviet citizens?

Goering: No. Einsatz Kommandos were an internal organ which was kept very secret.

GEN. RUDENKO: I shall have several other questions. Perhaps it is better to adjourn now.

THE PRESIDENT: How long do you think it will take, General Rudenko?

GEN. RUDENKO: I think not more than another hour.

THE PRESIDENT: All these documents which you have been putting to the witness, as I have pointed out to you, are documents which have already been put in evidence and documents which seem to me to speak for themselves. I hope, therefore, that you will make your cross-examination as short as you can. The Tribunal will now adjourn.

*[The Tribunal adjourned until 22 March 1946 at 1000 hours.]*

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DR. SERVATIUS: Mr. President, yesterday I received the translation of Document D-728. It is the document which was objected to yesterday as being incorrect.

THE PRESIDENT: Yes.

DR. SERVATIUS: I request to have this retranslated, since this translation is considerably different from the original wording and, in particular, fails to make clear where the mistakes are which led to the objection against the document. On the first page of that document there are about 20 to 30 objections to be made. The translator, since he could not realize the importance of the document, translated it quickly without emphasizing the decisive points. A careful translation ought to be made, which would enable us to get an idea of the original document. I am fully aware of what the difficulties are.

THE PRESIDENT: Certainly, the translation shall be checked by a different translator, or, if you like, by two different translators.

DR. SERVATIUS: May I ask to have a new translation made for comparison, since the version which we have here is also evidence of the fact that the original already contains considerable mistakes.

THE PRESIDENT: Certainly, it shall be checked and retranslated.

DR. SERVATIUS: Then, I request further that the opinion of an expert on the German language be obtained. This opinion will ascertain that the author of this document does not have full control of the German language and that it must have been drawn up by someone who was a foreigner. I do not want to give detailed reasons, but I would like to make this motion in writing.

THE PRESIDENT: I think you must certainly make a written application about that.

DR. SERVATIUS: I shall submit it in writing.

GEN. RUDENKO: Defendant Goering, in your statement you said that the attack on Poland was perpetrated after the bloody happenings in the town of Bromberg.

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Goering: I said that the date for the attack was set due to the bloody events which included, in addition to many other incidents, also the Bloody Sunday at Bromberg.

GEN. RUDENKO: Do you know that these events happened on 3 September 1939?

Goering: I might have made a mistake regarding the date of Bromberg; I would have to see the documents about that. I merely quoted that as one example among a lot of others.

GEN. RUDENKO: It is understandable. The attack was perpetrated on 1 September, and the events in the town of Bromberg, which you just mentioned to the Tribunal, happened on 3 September 1939. I submit to the Tribunal the document evidence issued by the High Commission for the Investigation of German Crimes in Poland, which is duly certified in accordance with Article 21 of the Charter. From this testimony it is clear that the events about which the Defendant Goering is testifying here happened on 3 September 1939, that is to say, on the third day after the attack by Germany on Poland.

THE PRESIDENT: You can put the document to the witness, if you want.

GEN. RUDENKO: I have no German text. I have it in English and in Russian. I just received this document. It is dated 19 March, and I will submit it to the Tribunal as conclusive evidence to prove this fact.

THE PRESIDENT: I do not think this is the appropriate time to put in documents in that way. Very well, you can put in the document now if you like.

GEN. RUDENKO: Thank you, Mr. President.

THE PRESIDENT: It must be translated into German, of course.

GEN. RUDENKO: I have no German translation of this document.

THE PRESIDENT: It has to be translated into German in order that defendant's counsel may see it.

GEN. RUDENKO: We will do that without fail.

DR. STAHLER: Mr. President, may I ask to have the document read now? It is only a short memorandum; so we can hear immediately what it contains.

THE PRESIDENT: Very well. Will you read it into the record, General Rudenko?

GEN. RUDENKO: Yes, Sir. It is very short:

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"Certificate Based on the Investigation Performed by the Polish Legal Authority.

"The High Commission for the Investigation of German Crimes in Poland certifies that the so-called Bloody Sunday in the town of Bromberg took place on 3 September 1939, that is to say, 3 days after the time when Poland was subjected to the German attack.

"On 3 September 1939, at 1015 in the morning, German Fifth Columnists attacked Polish troop units retreating from Bromberg. During the fighting 238 Polish soldiers and 223 German Fifth Columnists were killed. As a consequence of the events after the entrance of the German troops into the town of Bromberg, they began mass executions, arrests, and deportations of Polish citizens to concentration camps, which were performed by the German authorities, the SS, and the Gestapo. There were 10,500 murdered, and 13,000 exterminated in the camps.

"This certificate is an official document of the Polish Government and is submitted to the International Military Tribunal in accordance with Article 21 of the Charter of 8 August 1945.

"Stefan Kurovsky, member of the High Commission for the Investigation of German Crimes in Poland."

I should like to prove by this document that the events regarding which the Defendant Goering gave testimony happened after the attack by Germany on Poland.

Goering: I am not sure whether we are both referring to the same event.

GEN.RUDENKO: I am speaking about the events in the town of Bromberg. You spoke about them.

Goering: Perhaps two different events took place in Bromberg.

GEN.RUDENKO: It is quite possible.

I pass on to the following question: It is known to you that there was an order by the OKW regarding the branding of Soviet prisoners of war, and what do you think about that?

Goering: That order is not known to me, and no representative of the Air Force was present at this preliminary discussion as I have ascertained here from the records.

GEN. RUDENKO: I am interested as to whether you knew about this or not. The orders are quite clear.

Goering: No.

GEN. RUDENKO: Do you know that the German High Command ordered that Soviet war prisoners and Soviet citizens had to be used

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for clearing mine fields and transporting bombs that had not exploded, *et cetera*? Do you know about that?

Goering: I know that Russian prisoners of war who were engineers had to clear the mines which they had laid. To what extent the civilian population was employed for that purpose I do not know, but it was possible.

GEN.RUDENKO: It is quite clear.

Do you know about an order regarding the destruction of the towns of Leningrad, Moscow, and other towns of the Soviet Union?

Goering: In my presence the destruction of Leningrad was discussed only in the document which was mentioned yesterday, in the sense that the Finns, in case of the capture of Leningrad, would have no use for such a big city. Of the destruction of Moscow I know nothing at all.

GEN. RUDENKO: Do you remember the minutes of the meeting? This document was presented to you yesterday -- the minutes of the meeting of 16 July 1941. You were present at this meeting. They state that the Fuehrer declared ...

GORIMG: I have just mentioned and confirmed that.

GEN. RUDENKO: Did you speak about this same document? But, besides this statement, there were also official orders.

Goering: Would you be good enough to put them before me, then I would be able to ascertain whether they are correct and whether they were known to me.

GEN. RUDENKO: I have no intention of submitting these documents to you. They have already been submitted to the Tribunal. I am interested only as to whether you were aware of these orders.

Goering: I received no order to destroy Leningrad or Moscow in the sense which you have indicated.

GEN. RUDENKO: All right. You were told only about the important happenings. But orders for the destruction of cities, and murder of millions of men, *et cetera*, went through so-called service channels.

Goering: If a town was to have been destroyed by bombing, then that order would have been given by me directly.

GEN. RUDENKO: On 8 March, here in the Tribunal, your witness Bodenschatz stated that you told him in March 1945 that many Jews were killed and that for that you will have to pay dearly. Do you remember this testimony of your witness?

Goering: This testimony, in the form in which it was translated now, I do not recollect at all. The witness Bodenschatz never said it that way. I ask that the record of the session be brought in.

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GEN. RUDENKO: How did Bodenschatz say that? Do you remember?

Goering: That if we lost the war we would have to pay dearly.

GEN. RUDENKO: Why? For the murders which you had perpetrated?

Goering: No, quite generally, and after all, we have experienced just that.

GEN. RUDENKO: Quite generally. I have a few concluding questions to put to you. First of all, regarding the so-called theory of the master race. I should like to put to you only one question in this connection and I should like you to reply directly to it. Were you in accord with this principle of the master race and education of the German people in the spirit of it, or were you not in accord with it?

Goering: No, and I have also stated that I have never used that expression either in writing or orally. I definitely acknowledge the differences between races.

GEN. RUDENKO: But do I understand you correctly that you are not in accord with this theory?

Goering: I have never expressed my agreement with the theory that one race should be considered as a master race, superior to the others, but I have emphasized the difference between races.

GEN. RUDENKO: You can answer this question; it seems, you do not consider it right?

Goering: I personally do not consider it right.

GEN. RUDENKO: The next question: You have stated here to the Tribunal that you did not agree with Hitler regarding the question of the annexation of Czechoslovakia, the Jewish question, the question of war with the Soviet Union, the value of the theory of the master race, and the question of the shooting of the British airmen who were prisoners of war. How would you explain that, having such serious differences, you still thought it possible to collaborate with Hitler and to carry out his policy?

Goering: That was not the way I worded my answers. Here, too, we must consider separately various periods of time. As to the attack against Russia, there were no basic differences but differences as to the date.

GEN. RUDENKO: You have told that already. Excuse me; I do not want you to be lengthy on this theme. Will you reply directly?

Goering: All right. I may have a different opinion from that of my Supreme Commander, and I may also express my opinion clearly. If the Supreme Commander insists on his opinion and I

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have sworn allegiance to him, then the discussion comes to an end, just as it is the case elsewhere. I do not think I need to elaborate on that.

GEN. RUDENKO: You are not just a simple soldier, as you stated here; but you have presented yourself also as a statesman?

Goering: There you are right. I am not only a simple soldier, and just because I am not a simple soldier but occupied such a prominent position, I had to set an example for the ordinary soldier by my own attitude as to how the oath of allegiance should be adhered to strictly.

GEN. RUDENKO: In other words, you thought it possible, even with the presence of these differences, to collaborate with Hitler?

Goering: I have emphasized it and I maintain that it is true. My oath does not hold good only in good times but also in bad times, although the Fuehrer never threatened me and never told me that he was afraid for my health.

GEN. RUDENKO: If you thought it possible to co-operate with Hitler, do you recognize that, as the second man in Germany, you are responsible for the organizing on a national scale of murders of millions of innocent people, independently of whether you knew about those facts or not? Tell me briefly, "yes" or "no."

Goering: No, because I did not know anything about them and did not cause them.

GEN. RUDENKO: I should like to underline again, "whether you were informed of these facts or not."

Goering: If I actually do not know them, then I cannot be held responsible for them.

GEN. RUDENKO: It was your duty to know about these facts.

Goering: I shall go into that.

GEN. RUDENKO: I am questioning you. Reply to this question: Was it your duty to know about these facts?

Goering: In what way my duty? Either I know the fact or I do not know it. You can ask me only whether I was negligent in failing to obtain knowledge.

GEN. RUDENKO: You ought to know yourself better. Millions of Germans knew about the crimes which were being perpetrated, and you did not know about them?

Goering: Neither did millions of Germans know about them. That is a statement which has in no way been proved.

GEN. RUDENKO: The last two questions: You stated to the Tribunal that Hitler's Government brought great prosperity to Germany. Are you still sure that that is so?

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Goering: Definitely until the beginning of the war. The collapse was due only to the war's being lost.

GEN. RUDENKO: As a consequence of which, you brought Germany, as a result of your politics, to military and political destruction. I have no more questions.

THE PRESIDENT: Does the Chief Prosecutor for France wish to cross-examine?

M. AUGUSTE CHAMPETIER DE RIBES (Chief Prosecutor for the French Republic): I ask the Tribunal for permission to make one very short statement to fulfill the desire expressed by the Tribunal and to abbreviate as much as possible the discussions at this Trial. The French Prosecution has come to an agreement with Mr. Justice Jackson and with Sir David that the questions put to the Defendant Goering as a witness should be only those which are considered pertinent.

The questions have been asked and we have heard the answers of the defendant, as far as it was possible to obtain from him, anything except propaganda speeches.

I think the Defense will not be able to complain that its freedom has been curtailed. It has been able to use its freedom abundantly, in the past 12 sessions without having been able in any way to weaken the Prosecution's overwhelming accusations, without having been noticeably able to convince anyone that the second man in the German Reich was in no way responsible for launching the war or that he knew nothing of the atrocities committed by the men whom he was so proud to command.

THE PRESIDENT: You will no doubt have the opportunity later to comment, but the question that I ask you now is whether you wish to ask the witness definite questions.

M. CHAMPETIER DE RIBES: Mr. President, I have finished; I have said all that I wanted to say, that is to say, after all these long discussions, the French Prosecution feels that nothing has been changed in the crushing accusation which we brought forth. Consequently, I have no further questions to ask the defendant.

THE PRESIDENT: Dr. Stahmer?

DR. STAHLER: The British Prosecution has stated that you issued direct orders to the Hermann Goering Division during its employment in Italy referring to the fight against the partisans. Is, that statement correct?

Goering: No. The Hermann Goering Division was a ground division and was part of the operational task force of an army and army group. Consequently, it could never have received orders for its tactical employment from me, from Berlin or from my headquarters, which were not on the scene. Therefore I could not have

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given it any orders as to whether and how it was to be employed in the partisan war. Only such orders are in question as referred exclusively to matters of personnel and equipment or which concerned the internal administration of justice with regard to officers; nor did the division submit to me daily reports but only ...

SIR DAVID MAXWELL-FYFE: I did not catch that. I am sorry, My Lord, I should have spoken earlier. I gather that these questions are directed to the Hermann Goering Division. The defendant never dealt with that point when he was being examined in chief; and, therefore, I never dealt with it in cross-examination, because the point had not been raised. It is therefore my submission that it is quite inadmissible for the matter to be raised in re-examination.

THE PRESIDENT: You must remember, Sir David, that the practice in foreign countries is not the same as the practice in the United States and in England; and although it is perfectly true that Dr. Stahmer, according to the rules of England at any rate, would not be able to raise this point in re-examination, we are directed by the Charter not to deal technically with any question of evidence. It may be you would have to ask him some questions thereafter in cross-examination, although I hope that will not be necessary, in view of the evidence of the witness Kesselring.

SIR DAVID MAXWELL-FYFE: I considered that point, but I wanted only to make it clear that the Prosecution has not dealt at all, because it had not been raised previously with this point.

THE PRESIDENT: No; either in the examination or in the cross-examination.

SIR DAVID MAXWELL-FYFE: Or in the cross-examination.

THE PRESIDENT: Sir David, I had already noticed the point that the question had not been raised in the evidence of Hermann Goering.

DR. STAHLER: May I, in explanation, assert that I received the document only yesterday and consequently could not take any attitude earlier toward this question, which has been dealt with already by the Prosecution.

THE PRESIDENT: But, if my recollection is correct, the witness, Field Marshal Kesselring, raised this very point himself, and therefore the point was obvious and could have been raised in examination in chief, in which case it would have been dealt with by the Defendant Goering. It does not depend upon any particular document; it depends upon the evidence of the Field Marshal Kesselring, who said that he was bypassed -- I think the word as it was translated was that he was bypassed between the Hermann Goering Division and the Defendant Goering, although the Hermann Goering

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Division was under his command. So it has nothing to do with any document.

DR. STAHLER: May the witness continue, Mr. President.

THE PRESIDENT: Yes.

Goering: The division was under my command only as far as personnel, commissioning of officers, and equipment was concerned but not as to its employment. I did not receive reports daily, but at intervals, regarding events, losses, replacements. That, on the whole, was all the connection I had with that division. I could not give any orders for its employment, since it was under the command of parts of the Army.

DR. STAHLER: Did you receive a report regarding the event at Civitella?

Goering: No, I did not receive that report. I have learned of it for the first time here from the affidavit of an Army general who was in command of that division and who, was also responsible for these matters, and who apparently is trying now to shift that responsibility to the division and, because of the name of the division, on to me.

DR. STAHLER: Your relation to Hitler and your influence upon him has again been touched upon during cross-examination. Will you please summarize the facts briefly by particular periods, which are necessary to form an opinion on that relation?

Goering: Already during the cross-examination I have pointed out that a very long period is involved here. In 1923, when I was an SA leader, my relation was normal. Then there is a long interval -- 1931 ...

MR. JUSTICE JACKSON: May it please the Tribunal: It seems to me in the interests of time highly objectionable to allow the witness now to summarize. He was given the advantage of answering any questions he wanted as he went along. It seems to me that when he has covered a subject at least once -- and as a matter of fact he covered this one four or five times in an address at nearly every question that would permit -- that that at least should bring us to the end of that subject. It was exhausted.

The matter of time here is a grave matter. By our calculation -- a careful calculation -- of the witnesses which have been allowed, this Trial will now project into August. It does not seem that we should allow him to play this game both ways, to make his speeches during the cross-examination and then to sum them up again afterwards.

THE PRESIDENT: Dr. Stahmer, the Tribunal has allowed you to ask questions which, strictly speaking, are not admissible in re-examination and I want to make it clear to you what questions are

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admissible in re-examination -- only those which arise out of the cross-examination. As to this particular question, the Defendant Goering was allowed to make what were really speeches in his examination in chief without any interruption whatever; and he went over the whole history of the Nazi regime from its inception until the end of the war and the Tribunal does not consider that he ought to be at liberty to go over the same ground again in re-examination.

DR. STAHMER: Mr. President, I had merely asked that question because up to now it had not been dealt with comprehensively and I think it necessary, in order to form an opinion of the defendant and his attitude during that time, to have a comprehensive and coherent account of this matter which in my opinion is so important for the decision to be made in this Trial. If, however, the Tribunal objects to this question, I must submit to that decision and withdraw the question.

*[Turning to the defendant.]* I have another question. During your examination, you stated, regarding certain accusations, that you want to assume responsibility for them. How is that to be understood?

Goering: As to responsibility, one must discern between formal and actual responsibility. Formally, I bear responsibility for that which was done by those departments and offices which were under my command. Although I could not possibly have seen or known beforehand everything that was issued or discussed by them, I must nevertheless assume formal responsibility, particularly where we are concerned with the carrying out of general directives given by me. Actual responsibility I see in those cases in which I personally issued orders or directives, including in particular all acts and facts which I signed personally or issued authentically, but I mean these facts only and not so much general words and statements which were made during those 25 years here and there in small circles. In particular, I want to say the following very clearly about responsibility: The Fuehrer, Adolf Hitler, is dead. I was regarded as his successor in leading the German Reich. Consequently I must declare, with reference to my responsibility, that it was my aim ...

THE PRESIDENT: The Tribunal would wish that you should not make speeches. The Tribunal is perfectly well able to understand the difference between formal responsibility and actual responsibility for orders given by you.

GORI14G: I acknowledge my responsibility for having done everything to carry out the preparations for the seizure of power, and to have made the power firm in order to make Germany free and great. I did everything to avoid this war. But after it had started, it was my duty to do everything to win it.

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THE PRESIDENT: We have already heard you say that more than once and we do not wish to hear it again.

Goering: On the question of labor: During the war, the inhabitants of the occupied territories were brought in to work in Germany and their countries were exploited economically.

THE PRESIDENT: Dr. Stahmer, you are supposed to be asking questions of the witness. Now, what question is that in answer to?

DR. STAHLER: I had asked him about his responsibility ...

THE PRESIDENT: You can ask him questions, but you cannot ask him general questions which invite speeches. If you have any particular questions to ask him which arise out of the cross-examination, now is the time to ask them.

DR. STAHLER: I put this question: To what extent does he consider himself responsible for the points mentioned here in the cross-examination regarding the deportation of workers, ...

MR. JUSTICE JACKSON: I object to this question being put.

THE PRESIDENT: He has already told us about that. He answered that question more than once.

DR. STAHLER: In that case, I have no further questions to ask.

THE PRESIDENT: Very well. Then the defendant can retire.

*[The defendant left the stand.]*